FEDERAL REGISTER

VOLUME 18 NUMBER 250

Washington, Thursday, December 24, 1953

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

HANDLING OF MILK IN CERTAIN MARKETING AREAS

ORDER TERMINATING SPECIFIED TERMS OF CERTAIN ORDERS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act" and of certain orders and orders as amended, as specified below, regulating the handling of milk in respective marketing areas, hereinafter referred to as the "orders", it is hereby found and determined that:

(a) The terms "Borden Co., Greenville, Wisconsin" "Borden Co., Black Creek, Wisconsin" and "Carnation Co., Jefferson, Wisconsin" where they appear in the lists of plants (headed "Present Operator and Location" "Company(ies) and Location(s)" or "Concern and Location") and included in the following orders appearing in Title 7 of the Code of Federal Regulations, do not tend to effectuate the declared policy of the act:

Chicago, Part 941; Cincinnati, Part 965; Cleveland, Part 975; Columbus, Part 974; Dayton-Springfield, Part 971; Detroit, Part 924; Fort Smith, Part 976; Kansas City, Part 913; Knoxville, Part 988; Lima, Part 995; Louisville, Part 946; Memphis, Part 918; Milwaukee, Part 907; Minneapolis-St. Paul, Part 973; Muskegon, Part 985; Nashville, Part 978; Neosho Valley, Part 928; North Texas, Part 943; Oklahoma City, Part 905; Paducah, Part 977; Puget Sound, Part 925; Rockford-Freeport, Part 991; St. Louis, Part 903; San Antonio, Part 949; South Bend-La Porte, Part 967; Springfield, Part 921; Stark County, Part 963; Toledo, Part 930; Tri-State, Part 972; Tulsa-Muskogee, Part 906; and Wichita, Part 968.

(b) Notice of proposed rule making, public procedure thereon, and 30 days prior notice of the effective date hereof are impracticable, unnecessary and contrary to the public interest in that (1) the operators of said plants are not now reporting and in the future will not report prices at the said plants and for this reason prices at the said plants are not being used in any of the computations affecting the specified orders; (2) the continuance of these designations no longer serves any useful purpose; (3) the essential purpose of this termination order is to give to all interested persons notice that prices at said plants are no longer being used in any computations set forth in any of the specified orders; (4) this termination order has no material effect upon any person and does not require of any person substantial or extensive preparation prior to its effective date

It is therefore ordered, That the terms "Borden Co., Greenville, Wisconsin"; "Borden Co., Black Creek, Wisconsin" and "Carnation Co., Jefferson, Wisconsin" where they appear in the lists of plants (headed "Present Operator and Location" "Company(ies) and Location(s)" or "Concern and Location") and included in the specified provisions of the following orders, appearing in Title 7 of the Code of Federal Regulations, be and they hereby are terminated:

Orders	*Specified provisions*
Part 941—Milk in the Chicago, Ill., marketing area.	§ 941.52 (c) (1).
Part 965—Milk in the Cincinnati, Ohio, marketing area.	§ 965.50 (a).
Part 975—Milk in the Cleveland, Ohio, marketing area.	§ 975.50 (a).
Part 974—Milk in the Columbus, Ohio, marketing area.	§ 974.50 (a).
Part 971—Milk in the Dayton-Springfield, Ohio, marketing area.	§ 971.50 (a).
Part 924—Milk in the Detroit, Mich., marketing area.	§ 924.50 (a).
Part 976—Milk in the Fort Smith, Ark., marketing area.	§ 976.50 (a).
Part 913—Milk in the Kansas City, Mo., marketing area.	§ 913.50 (a).
Part 988—Milk in the Knoxville, Tenn., marketing area.	§ 988.50 (a).

(Continued on p. 8673)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Orders	Specified provisions
Part 935—Milk in the Lima, Ohio, marketing area.	§ 935.50 (a).
Part 946—Milk in the Louisville, Ky., marketing area.	§ 946.50 (c).
Part 918—Milk in the Memphis, Tenn., marketing area.	§ 918.50 (a).
Part 907—Milk in the Milwaukee, Wis., marketing area.	§ 907.50 (a).
Part 973—Milk in the Minneapolis-St. Paul, Minn., marketing area.	§ 973.51 (a).
Part 985—Milk in the Muskegon, Mich., marketing area.	§ 985.50 (a).
Part 978—Milk in the Nashville, Tenn., marketing, area.	§ 978.50 (a).
Part 928—Milk in the Neosho Valley marketing area.	§ 928.50 (a).
Part 943—Milk in the North Texas marketing area.	§ 943.50 (a).
Part 905—Milk in the Oklahoma City, Okla., marketing area.	§ 905.50 (a).
Part 977—Milk in the Paducah, Ky., marketing area.	§ 977.51.
Part 925—Milk in the Puget Sound, Wash., marketing area.	§ 925.50 (a).
Part 991—Milk in the Rockford-Freeport, Ill., marketing area.	§ 991.51 (a).
Part 903—Milk in the St. Louis, Mo., marketing area.	§ 903.50 (a).
Part 949—Milk in the San Antonio, Tex., marketing area.	§ 949.51 (d).
Part 967—Milk in the South Bend-La Porte, Ind., marketing area.	§ 967.50 (a).
Part 921—Milk in the Springfield, Mo., marketing area.	§ 921.50 (a).
Part 963—Milk in the Stark County, Ohio, marketing area.	§ 963.50 (a).
Part 930—Milk in the Toledo, Ohio, marketing area.	§ 930.51 (a).
Part 972—Milk in the Tri-State marketing area.	§ 972.40 (a).
Part 906—Milk in the Tulsa-Muskogee, Okla., marketing area.	§ 906.50 (a).
Part 963—Milk in the Wichita, Kans., marketing area.	§ 963.51.

Done at Washington, D. C., this 18th day of December 1953 to be effective immediately.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

[P. R. Doc. 53-10670; Filed, Dec. 23, 1953; 8:49 a. m.]

PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order

and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Greater Kansas City marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area, and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 913.10 and substitute therefor the following:

§ 913.10 *Pool plant.* "Pool plant" means an approved plant other than the plant of a producer-handler:

(a) During any delivery period within which an amount of milk equal to 15 percent of more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is disposed of from such plant as Class I milk on routes operated in the marketing area,

(b) During any delivery period of September, October, November, December, January, or February within which an amount of milk equal to 30 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is transferred in bulk to a plant described in paragraph (a) of this section. Any such plant which is a pool plant in each of the delivery periods of September, October, November, December, January, and February shall be a pool plant for each of the following months of March, April, May, June, July, and August, regardless of the quantity of milk then disposed of to other pool plants, if a written request for pool plant status for such six months' period is received from the operator of such plant by the market administrator before March 1, or

(c) (1) During any delivery period within which such plant is operated by a cooperative association, and 75 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(2) If a handler operates more than one approved plant, the percentage requirements of this definition shall apply to the combined receipts and disposition of such multiple plant operation except that no plant which was not an approved plant during each of the preceding delivery periods of September through February shall be a pool plant as a part of such multiple plant operation during any of the delivery periods of March through August unless such multiple plant operation qualified under paragraph (a) of this section for pool plant status for such delivery period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 18th day of December 1953 to be effective on and after the 1st day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10671; Filed, Dec. 23, 1953; 8:50 a. m.]

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

DETERMINATION OF EQUIVALENT OF PRICES PAID AT CERTAIN MIDWESTERN CONDENSERIES

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and to the applicable provisions of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927) hereinafter referred to as the "order" it is hereby found and determined as follows:

1. Prices are no longer being reported for the condenseries formerly operated by the Borden Company at Greenville and Black Creek, Wisconsin, and by the Carnation Company at Jefferson, Wisconsin.

2. In accordance with § 927.45 it is hereby determined that the average of the prices paid by the remaining midwestern condenseries, as reported by the United States Department of Agriculture, are equivalent to and comparable with the prices heretofore announced by the market administrator for the 18 condenseries pursuant to § 927.46 (a) (8)

3. Notice of proposed rule making, public procedure thereon, and 30 days prior notice of the effective date hereof are impracticable, unnecessary and contrary to the public interest in that (1) the operators of said plants are not now reporting and in the future will not report prices at the said plants and for this reason prices at the said plants are not being used in any of the computations affecting the order; (2) the essential purpose of this determination is to give to all interested persons notice that prices at said plants are no longer being used in any computations set forth in the order; (3) this determination has no material effect upon any person and does not require of any person substantial or extensive preparation prior to its effective date.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 18th day of December 1953, to become effective immediately.

[SEAL] JOHN H. DAVIS,
Assistant Secretary.

[F. R. Doc. 53-10672; Filed, Dec. 23, 1953; 8:50 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

APPROVAL OF PROPOSED BUDGET OF EXPENSES AND RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget of expenses and rate of assessment, to be made effective under Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and

Siskiyou in the State of California, was published in the FEDERAL REGISTER (18 F R. 7323) on November 19, 1953. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937. as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

After consideration of all relevant matters presented including the budget of expenses and rate of assessment set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, the following rules and regulations are hereby approved.

§ 959.206 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (§§ 959.1 to 959.88) to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and amended order during the fiscal year ending June 30, 1954, will amount to $14,400.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-fourth of one cent ($0.0025) per hundredweight handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended (§§ 959.1 to 959.88)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of December 1953, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10674; Filed, Dec. 23, 1953; 8:50 a. m.]

[Docket No. AO-160-A-14-R01]

PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) a public hearing was held at Philadelphia, Pennsylvania, on August 12-13, 1952, January 28, 1953, February 24-27, 1953, and March 5-6, 1953, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than January 1, 1954, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Philadelphia, Pennsylvania, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on dates set forth under paragraph (a) of this section, a recommended decision having been issued on August 20, 1953, and the decision of the Secretary on December 8, 1953. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (October 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 961.6 (c) and substitute:

(c) Any other plant from which milk is supplied to a pasteurizing or bottling plant described in paragraph (b) of this section: *Provided,* That any such other plant shall not be included in this definition during any month in which there is shipped from the plant only Class II milk as defined in § 961.31 or during any of the months of October, November, December, and January in which shipments are made from the plant on less than 11 days, or during any other month in which shipments allocated to Class I are not more than 25,000 pounds, to such pasteurizing and bottling plant or to a plant or plants supplying such pasteurizing or bottling plant.

2. In § 961.43 delete the 2d proviso and substitute: "*And provided further,* That for Class I milk disposed of in an area where the handling of milk is regulated by another order of the Secretary the price effective under such other order shall apply, except that for Class I milk disposed of in the New York metropolitan milk marketing area, the price shall be the Class I-A price pursuant to the New York order less such payment as is required on such milk pursuant to the New York order."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 18th day of December 1953, to be effective on and after the 1st day of January 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10673; Filed, Dec. 23, 1953; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supplement 3]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS CAA RULES

On April 13, 1953, the Civil Aeronautics Board adopted a revision of Part 40 containing major changes in the certification and operation rules applicable to domestic scheduled interstate air carriers. On October 21, 1953, the Administrator of Civil Aeronautics published in 18 F R. 6670, rules which he proposed to adopted for the purpose of implementing the Board's revised Part 40. Interested persons were afforded an opportunity to submit written data, views, or arguments. Consideration has been given to all relevant matter presented.

This supplement sets forth the rules which the Administrator is adopting to implement revised Part 40. In the interest of safety in air commerce, the supplement is made effective on the effective date of revised Part 40. Compliance with the effective date provision of section 4 of the Administrative Procedure Act would be impracticable, and therefore is not required.

The following rules are hereby adopted:

§ 40.12–1 *Application for air carrier operating certificate (CAA rules which apply to § 40.12)*—(a) *General.* (1) The holder of a certificate of convenience and necessity shall apply to the appropriate regional administrator for an air carrier operating certificate at least 30 days prior to the date proposed for beginning scheduled interstate air transportation within the continental limits of the United States. The application shall be prepared in loose-leaf form, on white paper approximately 8'' x 10½'' in size, and using one side of the sheet only. The application shall be executed by a duly authorized officer or employee of the applicant having knowledge of the matters set forth therein, and shall have attached thereto two copies of the appropriate written authority issued to such officer or employee by the applicant.

(2) Two copies of the application, and of subsequent amendments thereto, shall be filed with the Regional Administrator having jurisdiction over the area in which the principal office of the air carrier is located. When any facility or service directly affecting the operation of the air carrier concerned is furnished by other than the applicant or the Federal Government, at least two copies of the contract or working agreement concerning such facilities or service shall be submitted with the application. In this connection, if formal contracts covering such facilities or service have not been completed, letters showing agreement between the contracting parties will be accepted until copies of the formal contract are obtainable.

(b) *Format of application.* The application shall be in the form of a letter and shall contain the information outlined below:

To: Regional Administrator, Civil Aeronautics Administration.

In accordance with section 604 of the Civil Aeronautics Act of 1938, as amended, and the Civil Air Regulations, application is hereby made for an Air Carrier Operating Certificate.

Give exact name and full post office address of applicant.

Give the name, title, and post office address of the official or employee to whom correspondence in regard to the application is to be addressed.

SECTION I. *Operations.* A. State whether the type of service proposed is for the carriage of passengers, goods, or mail, or a particular combination thereof. If the type of service is not the same for each route or portion thereof, specify the type of service for each route or portion of a route.

B. State whether the type of operation proposed is day or night, visual flight rules, instrument or over-the-top, or a particular combination thereof. If the type of operation is not the same for each route or route segment, specify the type of operation for each route or route segment.

SEC. II. *Schedule.* A. Submit a proposed schedule plan (or plans if seasonal changes or differences in equipment are involved) indicating the following:

1. Block to block time and mileage between scheduled stops.
2. Ground time at each intermediate and terminal stop.

B. Specify the basis upon which the proposed schedule has been computed, indicating the following:

1. Cruising speed and altitude.
2. Percentage of horsepower.
3. Direction and velocity of prevailing winds.

SEC. III. *Route.* A. Submit a map suitable for aerial navigation on which are shown the exact geographical track of the proposed routes, and information with respect to terminal and intermediate stops, available landing areas, and radio navigational facilities. This material will be indicated in a manner that will facilitate identification. The applicant may use any method that will clearly distinguish the information, such as different colors, different types of lines, etc. For example, if different colors are used, the identification will be accomplished as follows:

1. Airway routes: Black.
2. Direct routes: Green.
3. Terminal and regular intermediate stops: Orange circle.
4. Alternate landing fields or areas: Purple circle.
5. Other available landing fields or areas: Yellow circle.
6. Indicate the location and normal operating range of all radio navigational facilities to be used in connection with the proposed operation.

B. *Airports.* Furnish the following information with regard to each regular, alternate, refueling, and provisional airport to be used in the conduct of the proposed operation.

1. Name of airport.
2. Location (by coordinates, and by name of nearest city or town, and direction and distance thereto).
3. Class of airport or landing area (municipal, commercial, military, private or marked auxiliary).
4. Altitude above sea level.
5. Dimensions in linear feet of landing space available.
6. If hard-surfaced runways are provided, give number, direction, length and width of each and indicate type of surfacing.
7. Obstructions (list adjacent obstructions, giving height and location, or attach appropriate C. G. A. L. charts if available).
8. Airport lighting (include beacon, auxiliary beacon, boundary lights, floodlights, etc., and any emergency lighting equipment; and by whom operated).
9. List refueling facilities available.
10. Is airport control tower provided and by whom?
11. Itemize radio navigational facilities provided and indicate the operating agency.
12. Does runway gradient exceed 2 percent? If so, state gradient.
13. What provisions are made for protection of passengers during loading and unloading at scheduled stop airports?
14. Prevailing winds?
15. Where necessary, are adequate snow removal facilities available?

C. *Weather reporting.* 1. Outline the weather service proposed to be used for dispatching over each route; the source, if other than a United States Weather Bureau Station; list in detail the location and agency in control of stations furnishing reports for each service; the frequency and method of collection and dissemination of weather information. Outline available terminal and route forecasting services, the type of maps and the intervals at which they are made each day.

2. Where it has been determined that additional weather reporting services will be required of the U. S. Weather Bureau for the type of operation involved, the air carrier will apply in writing to the appropriate Weather Bureau Regional Office. The request for the weather reporting services considered essential should be made coincidental with this application to the Civil Aeronautics Administration.

3. For operations within the continental limits of the United States, if other than a U. S. Weather Bureau Station, show proof of U. S. Weather Bureau approval of the service and specify the meteorological facilities available, the number of personnel and the duties of each, such as the making of weather maps, forecasts, observations, etc.

D. *Airway lighting.* List in detail all airway lighting on the routes other than those airway lighting facilities owned and operated by the Civil Aeronautics Administration if application includes request for night VFR operation.

SEC. IV. *Radio facilities*—A. *Communications.* List company radio ground communication facilities installed, proposed to be installed, and those available to, but not owned by applicant, for each route. The expected communication coverage of all MF and HF ground facilities should be provided in map form. In the case of VHF, the expected coverage at exemplary altitudes should be outlined. Aircraft reporting and general change points, and frequencies should be specified either on the maps or as an attachment. (If owned by other than applicant, attach 2 certified copies of operating agreement.) List the following details for each station:

Transmitters. List the following information in regard to each transmitter:

1. Make and model number.
2. Remotely or locally controlled.
3. Types of emission and antenna power for each type of emission.
4. Number of frequency channels provided and actual frequencies in kilocycles proposed to be used.
5. Method of frequency change (quick shift or manual tuning).
6. Primary power source, voltage, phase, etc., and whether commercial source or locally generated.
7. Auxiliary power source.
8. Functional purpose of transmitter. If transmitter is used for more than one function, list in order of primary and secondary functions as—

a. Radiotelephone plane to ground primary purpose and radiotelephone point to point secondary purpose, or

b. Radiotelephone point to point primary purpose and standby radiotelephone plane to ground secondary purpose, etc.

Receivers. 1. List each receiver by type of model number and state its primary function, i. e., plane-to-ground guard, point-to-point C. W. or point-to-point radiotelephony.

2. List frequency range of each receiver and state which frequencies in each receiver are crystal controlled, if any.

3. Describe receiver installation to show number of receivers locally controlled and number remotely controlled.

B. *Radio navigational facilities.* List each ground radio navigational facility, other than those operated by the United States Government, to be used in the conduct of the proposed operations (if privately owned ground radio navigational facilities are to be used and are owned by other than the applicant, attach two certified copies of the operating agreement pertaining to the use of such facilities). List the following information with respect to each facility:

1. Type of facility, i. e., ILS, GCA, Non-Directional Radio Beacon LF and VHF Radio Ranges, Loran, etc.

2. Estimated effective range (in miles).

3. Coordinates and location with respect to field or landing area.

4. Power supply, i. e., commercial or locally generated.

5. Auxiliary power supply.

6. Operating frequency or frequencies.

C. *Aircraft radio equipment.* List and describe the aircraft radio equipment installed in each aircraft by:

1. Type number.
2. Manufacturer.
3. Frequency range.
4. Operating frequencies.
5. Emergency power supply.
6. Antenna system.

SEC. V. *Weather minimums.* A. Submit in detail the proposed ceiling and visibility limitations for take-off for instrument flight and let-down-through at each regular, alternate, refueling, and provisional airport. Differentiate between daylight and darkness in the listing, and where more than one type of aircraft is to be utilized, and a differential of limitations exists, indicate proposed limitations for each type of aircraft.

B. Submit for each proposed scheduled stop and alternate airport a detailed flight procedure for instrument approach and let-down-through and where specific procedures are necessary because of terrain or traffic conditions, submit a detailed flight procedure for take-off and climb (such procedure should be set up on the basis of the ceiling and visibility minimums proposed.)

C. The above information may be submitted on Forms ACA-511 of the air carrier's proposed operations specifications.

SEC. VI. *Aircraft.* A. List the following information, as applicable, for each aircraft to be used in the proposed operations:

1. The name of the manufacturer.
2. Certification basis and category.
3. Manufacturer's model number.
4. Name of the manufacturer and type number of engines.
5. Name of manufacturer and type number of propellers.
6. N registration number and aircraft designation.
7. Type of service in which aircraft will be used (carriage of persons, property, mail, or combination thereof).
8. Will aircraft be used in regular or reserve service?
9. What type of operation (day, night, visual flight rules, instrument (over-the-top)) will be conducted with this aircraft?
10. List each route or portion thereof over which this aircraft is to be operated and the maximum gross weight proposed for each route or portion thereof.
11. What is the service ceiling of each type aircraft with one engine inoperative?
12. List and describe installation and location of all lifesaving equipment and emergency supplies carried aboard each aircraft, such as life rafts, life preservers, portable emergency transmitters, Very pistols, and emergency rations. (If the same equipment is not carried during all seasons of the year, and on all routes, list and explain the difference.)

SEC. VII. *Maintenance: Aircraft, engines, and accessories.* A. Furnish an organization chart indicating the authority and the duties of the maintenance and inspection personnel employed by the applicant and/or any other person with whom arrangements have been made for the performance of maintenance and inspection functions.

B. Furnish a schedule of overhauls, inspections and checks and the time limitations for such functions which will be performed on each type of aircraft to include the airframes, powerplants, propellers and appliances. The schedule should be sufficiently detailed to indicate all of the overhauls, inspections and checks which will be performed on all components of each type of air carrier aircraft. The schedule should be listed under the following general headings:

1. Aircraft components:
a. Wings.
b. Fuselage.
c. Empennage.
d. Landing gear.
e. Wheels and brakes.
f. Center section (when applicable).
g. Nacelles.
h. Control System.
i. Hydraulic system.
j. Accessories (aircraft).
k. Fuel and oil system (aft of firewall).
l. Fuel tanks.
m. Cabin pressurizing and heating systems.
2. Engine components:
a. Engine.
b. Accessories (engine).
c. Propellers.
d. Fuel and oil system (forward of firewall).
e. Oil tanks.
3. Instruments:
a. Flight instruments.
b. Aircraft and engine instruments.

(If any of the components listed are overhauled on an "on condition" overhaul basis, describe the procedures used to control the continued airworthiness of such components.)

When maintenance functions are performed by outside agencies, copies of the maintenance agreement regarding the extent of such services to be furnished should be attached to the application, as provided for in subparagraph (a) (2) of this section. The agreement should specify that services furnished should conform to the standards approved for the operator, the air carrier operations specifications, aircraft maintenance, and complies with all requirements of the Civil Air Regulations.

C. Indicate and define the type of maintenance operations (overhauls, inspections, and checks) that will be accomplished at each terminal, intermediate and overnight stop, relative to the following:

1. Disassembly and overhaul of aircraft components, engines, propellers, instruments, and accessories (aircraft and engine).
2. Periodic inspection and check of aircraft components, engine, propellers, instruments, and accessories (aircraft and engine).
3. Routine inspection of aircraft components, engines, propellers, instruments, and accessories (aircraft and engine).
4. Spare part and component replacements at intermediate and overnight stops.
5. Refueling.

D. Indicate the number of certificated, non-certificate airmen (repairmen/mechanics), and helpers, etc. including their company designation (foreman, inspectors, crew chiefs, etc.), located at the main overhaul base and each terminal and intermediate stop.

E. Indicate the distribution of the following items of spare equipment:

1. Aircraft (list quantity, make, and model).
2. Engines (list quantity, make, and model).
3. Propellers (list quantity, make, and model).
4. Instruments (list quantity, make, and model).

F. For each terminal, and intermediate stop at which refueling operation will be performed, describe the following:

1. Number, type (elevated or underground), and capacity of each fuel and oil storage tank.
2. List octane ratings of fuels available.
3. List S. A. E. rating or viscosity of oil available.
4. List facilities and methods for the detection and prevention of fuel contamination.
5. Outline method and procedure with reference to recording water checks.
6. Type of covered container used to convey oil from storage tank to aircraft.
7. Outline method and procedure of grounding aircraft in protection of fire.

G. For each terminal and intermediate stop, describe the following facilities:

1. Hangars and/or work docks provided for the protection from the elements for aircraft and personnel performing maintenance operations:
a. Number, size, and type.
b. Dimensions and number of square feet available for aircraft storage.
c. Dimensions and number of square feet available for shop space.
d. Dimensions of hangar doors and/or capacity of work docks.
e. Number of largest sized aircraft of applicant which may be housed.
2. Equipment for ground handling of aircraft, as may be required for the proposed operation.
3. Tools, fixtures, test equipment, and other necessary shop apparatus necessary for the maintenance operations performed.

SEC. VIII. *Maintenance: Electrical and electronic equipment.* A. Briefly, describe the functional operation of the electrical/electronic maintenance organization, indicating the number and scope of responsibility of supervisory personnel and the number and distribution of qualified mechanics and inspectors. Indicate the number, company designation (foreman, inspectors, lead men, etc.), and location of all certificated airmen (certificated repairmen or certificated mechanics) who are directly in charge of electrical/electronic maintenance activities.

B. Indicate the following with respect to aircraft radio equipment maintenance procedures:

1. Overhaul or bench check periods of aircraft radio equipment and station at which accomplished.
2. Periodic inspection and check periods of aircraft radio equipment and stations at which accomplished.
3. Equipment replacement at intermediate and overnight stops.

C. Indicate whether overhaul, periodic inspection, and routine inspection of aircraft electrical equipment are under the jurisdiction of the radio maintenance department or other department such as aircraft, engine, or accessories maintenance department.

D. Indicate the following with respect to aircraft electrical equipment procedures:

1. Overhaul or bench check periods of aircraft, electrical equipment and stations at which accomplished.
2. Periodic inspection and check periods of aircraft electrical equipment and stations at which accomplished.
3. Routine inspection periods of aircraft electrical equipment and stations at which accomplished.

E. Indicate the distribution of the following items of spare equipment:
1. Radio equipment (list quantity, make, and model).
2. Electrical equipment (list quantity, make, and model).
3. Other electronic equipment (list quantity, make, and model).
F. If "on condition" overhaul of electrical/electronic is utilized, describe the bench check or major inspection procedures used to control performance tolerances and fixed period overhaul of components subject to wear and deterioration as a function of time in service.

(c) *Operations specifications.* The operations specifications proposed by the carrier as required by § 40.18 applicable to the intended operation shall be attached to the letter of application in paragraph (b) of this section for an air carrier operating certificate. (See § 40.18–1.)

§ 40.18–1 *Original issuance and amendment of operations specifications (CAA rules which apply to § 40.18 (a))*— (a) *Original issuance of operations specifications.* The air carrier's original application for the issuance of operations specifications shall be included with its letter of application for an air carrier operating certificate (see § 40.12–1) Details concerning appropriate forms, number of copies, etc., will be furnished either by the local CAA Air Carrier District Office or by the CAA Regional Office having jurisdiction over the area in which the air carrier will establish its principal operations base.

(b) *Amendment of operations specifications.* Applications to amend operations specifications shall be submitted by the air carrier to the appropriate local Aviation Safety Agent at least 15 days prior to the proposed effective date of such amendment, unless the Aviation Safety Agent approves a shorter filing period. The information required by § 40.12–1 in connection with the original application for an air carrier operating certificate shall, insofar as applicable, be furnished in support of an application to amend an air carrier's operations specifications.

§ 40.18–2 *Form of application for issuance of initial or revised Operations Specifications, Aircraft Maintenance (CAA rules which apply to § 40.18 (a))* (a) Applications by the air carrier for new or amended Operations Specifications, Aircraft Maintenance, shall be made on Operations Specifications Form ACA–1014 or equivalent.

(b) Those pages of the Operations Specifications, Aircraft Maintenance, which contain the list of aircraft components, inspections, checks and overhauls, and time limitations therefor, shall be prepared by the air carrier on a Form ACA–1014 or equivalent. Such pages shall be prepared to permit insertion in a suitable loose-leaf binder. Each page shall be consecutively numbered and identified as an Operations Specification, Aircraft Maintenance.

(c) The air carrier shall list the aircraft components and the overhauls, inspections, checks, and time limitations therefor, either on separate pages in the Operations Specifications, Aircraft Maintenance, or together on the same pages. If listed separately, the overhauls, inspections, and checks shall be appropriately and thoroughly identified, by number and/or nomenclature, to include any applicable abbreviations. The list of individual aircraft components shall show proper reference to the overhauls, inspections, or checks by means of the applicable number, nomenclature, or abbreviation thereof. When so listed, it shall mean that such components are overhauled, inspected, or checked at the times identified in the Operations Specifications.

(d) Four copies of the application[1] and attachments shall be submitted to the assigned agents, the first copy of the application bearing the signature of a duly authorized representative of the air carrier. Approval or disapproval shall be indicated on the first and second copies of the application and attachments which will be returned to the air carrier. The air carrier shall, in turn, indicate receipt in the space provided on the second copy and return it to the assigned agent.

§ 40.18–3 *Form of application for issuance of initial or revised Operations Specifications, Aircraft Weight and Balance Control (CAA rules which apply to § 40.18 (a))* (a) Applications by the air carrier for new or amended Operations Specifications, Aircraft Weight and Balance Control,[2] shall be made on Operations Specifications Form ACA–1014 or equivalent.

(b) Four copies of the application shall be submitted, the first copy of the application bearing the signature of a duly authorized representative of the air carrier. Approval or disapproval of the carrier's application shall be indicated on the first and second copies of the application which will be returned to the air carrier. The air carrier shall, in turn, indicate receipt in space provided on the second copy and return it to the assigned agent.

§ 40.70–1 *Deviations (CAA rules which apply to § 40.70 (a))* An application for any deviation shall include all supporting data and shall be forwarded to the CAA Aviation Safety District Office charged with the over-all inspection of the air carrier's operations.

§ 40.90–1 *Performance data (CAA rules which apply to § 40.90)* Performance data published by the Administrator to determine performance requirements in relation to the airports to be used and the areas to be traversed are set forth in figures 1 through 10[3] and paragraph (b) of this section. For the purpose of determining performance data, figures 1, 3, and 6, "paved runway" shall mean paved with asphalt or concrete. Figures 2, 4, and 7 shall be used for all other runway surfaces, except in individual cases where the Administrator finds that a particular runway surface justifies the use of the paved runway data or a specific correction factor. Data based on flight tests conducted under the supervision of CAA Aircraft Engineering Division and approved by the Administrator may be used in lieu of the published data. An application for any deviation shall include all supporting data and shall be forwarded to the CAA Aviation Safety District Office charged with the over-all inspection of the air carriers' operations.

[1] Application for initial time limitations applicable to new aircraft, engines, propellers or appliances, not previously used in air carrier service may require Washington concurrence prior to final issuance by the CAA regional office, and therefore should be submitted as soon as possible, but not later than 15 days prior to the date that the aircraft or component is to be placed into service.

[2] The Operations Specifications, Aircraft Weight and Balance Control may combine weight control procedures common to more than one aircraft or they may separate weight and balance procedures specifically adapted to a particular aircraft type and model.

[3] The charts are presented in graph form for selected values. Other values may be determined by interpolation or extrapolation, provided the operating and structural limitations are not exceeded. The following examples are given to explain the use of figures 1 through 10:

Example 1. Figure 8 is used in the following manner: (a) Determine the wind velocity and wind angle relative to the runway. (In the example illustrated in figure 8, for Runway 27, and a wind from WNW at 25 m. p. h., the relative wind angle is 22°.)

(b) Enter the chart with the above information at point A.

(c) Enter chart at point B using the existing effective runway length and project a line horizontally.

(d) Project a vertical line from point A to intersect line from point B.

(e) At point C, the intersection of these two lines, read the effective runway length available for zero wind. This figure, after being corrected for runway gradient, is used with the appropriate take-off or landing chart to determine the maximum permissible gross weight. It should be noted that a reverse of this procedure will furnish information on the actual runway required if the zero wind runway required is known for a given gross weight.

(f) By projecting a line horizontally from point A to point D, the crosswind component can be determined.

Example 2. Operating conditions for take-off:

Aircraft=DC–3 S1C3G.
Airport =Elevation=4,000'
Effective runway length=3,300 feet (paved).
Runway gradient=+1.2 percent.

The equivalent runway length due to gradient=

$$S=\frac{SG}{\left[1+\left(\frac{S_G g 2 \sin \alpha}{V_2^2}\right)\right]}$$

$$=1+\frac{3{,}300}{\frac{(3{,}300\times 32.2\times 2\times .012)}{(98\times 1.467)^2}}$$

=2,938 feet.

Due to the positive, or uphill, gradient effect, the zero gradient runway length is 2,938 feet. This figure, versus the airport elevation is used with figure 3 to determine the allowable gross weight for take-off.[1] It will be noted that this runway length/airport elevation combination is outside the range of values plotted on the chart. Therefore, under a zero wind condition, operations from the runway in question would be impracticable due to the weight restriction.

If a 25 m. p. h. headwind component exists, the use of figure 8 indicates a zero wind

§ 40.91–1 *Take-off limitations (CAA rules which apply to § 40.91).* (a) Figures 1, 2, 3, 4, 8, 9, and 10 shall be used in determining take-off limitations.

(b) If the gradient of the runway exceeds ½ percent, the effect of the total gradient shall be accounted for. The effect of gradient may be calculated from the following formula, or other methods by which the effects of gradient can be accurately computed:

$$S_G = S\left[\frac{1}{1-\left(\frac{2Sg\sin\alpha}{V_2^2}\right)}\right]$$

Where:

S_G = length of ground run with gradient (required or available).
S = length of ground run without gradient (required or available).
g = acceleration of gravity = 32.2 (ft/sec²).
V_2 = climb out speed, feet per second, true air speed.
α = angle of grade with horizontal, uphill + downhill −.

Where runways with gradient are of such length that the gross weight would be reduced, the following equation will be more useful in determining the zero gradient runway length to be used in determining the permissible gross weight from figures 1, 2, 3, and 4:

$$S = \frac{S_G}{1+\left(\frac{S_G g 2\sin\alpha}{V_2^2}\right)}$$

Where:

S_G = effective runway length available.
S = equivalent runway length due to gradient.
g = acceleration of gravity = 32.2 (ft/sec²).
V_2 = climb out speed, feet per second, true air speed.
α = angle of grade with horizontal, uphill + downhill −.

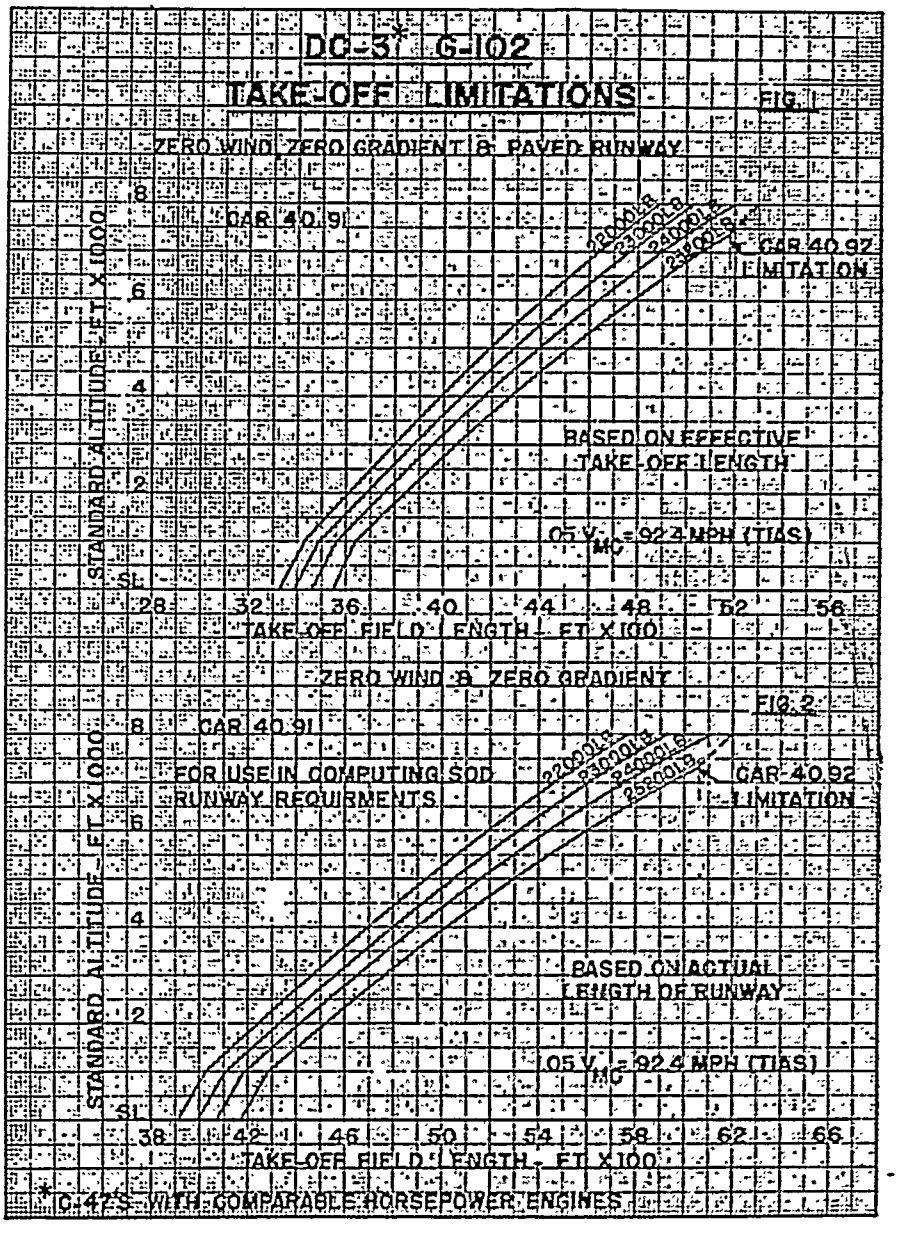
(c) The maximum allowable take-off weight from sod runways shall be the lesser gross weight as determined by application of the effective length to the appropriate take-off table (fig. 1 or 3) and by application of the actual runway length to the corresponding take-off table (fig. 2 or 4) Figures 1 and 3 are used to determine the maximum allowable gross weight which will permit the aircraft to take off within the effective runway length, while figures 2 and 4 are used to determine the maximum allowable gross weight which will permit the particular aircraft to be accelerated and brought to a full stop within the actual length of available runway.

§ 40.92–1 *En route limitations (CAA rules which apply to § 40.92)* Figure 5 shall be used in determining the en route limitations. An application for approval of "drift-down" procedures shall include all supporting data. The application will be forwarded to the CAA Aviation Safety District Office charged with the over-all inspection of the air carrier operations.

§ 40.93–1 *Landing distance limitations (CAA rules which apply to § 40.93)* (a) Figures 6, 8, 9, and 10 shall be used in determining landing distance limitations on paved runways.

(b) Figures 7, 8, 9, and 10 shall be used in determining landing distance limitations on sod runways.

§ 40.205–1 *Requirement of protective breathing equipment in nonpressurized cabin airplanes (CAA rules which apply to § 40.205 (b)).* Protective breathing

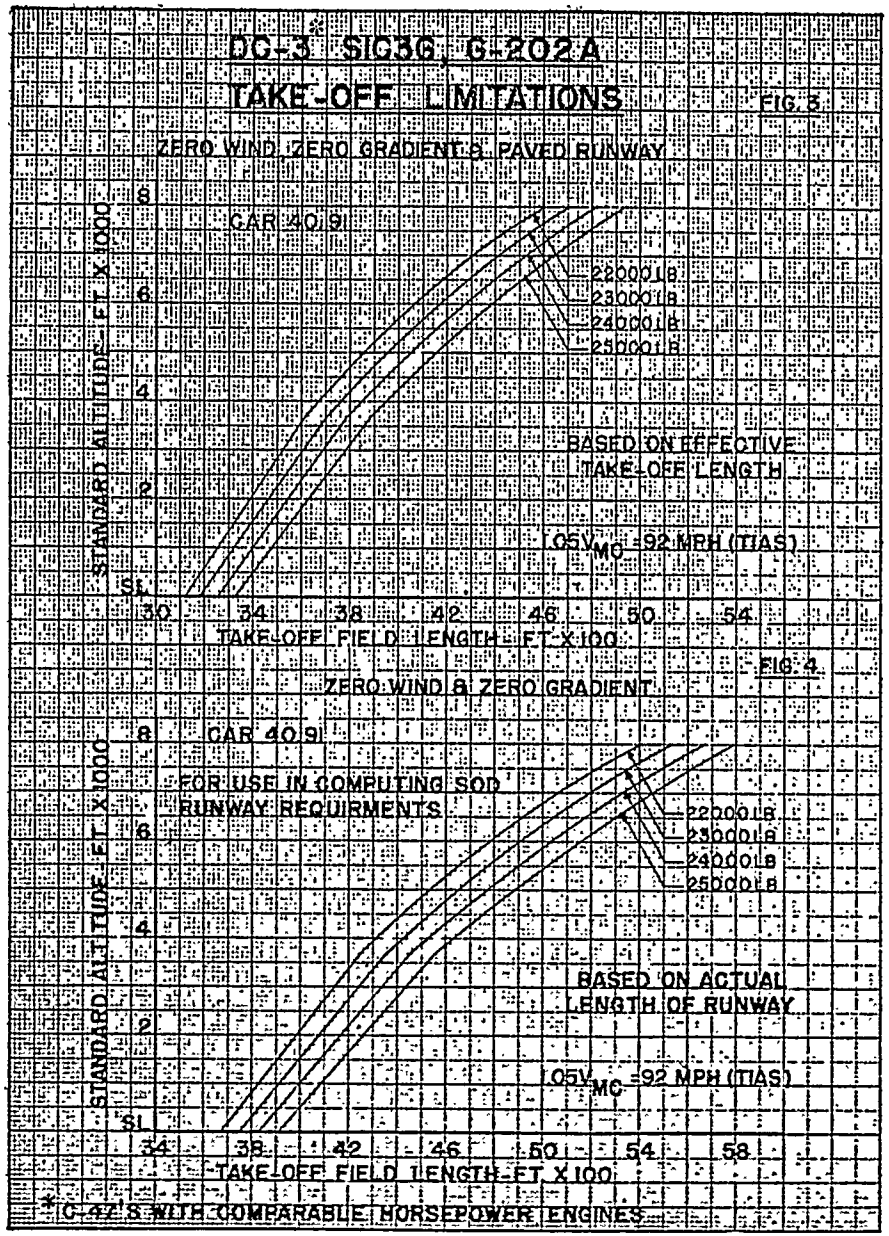


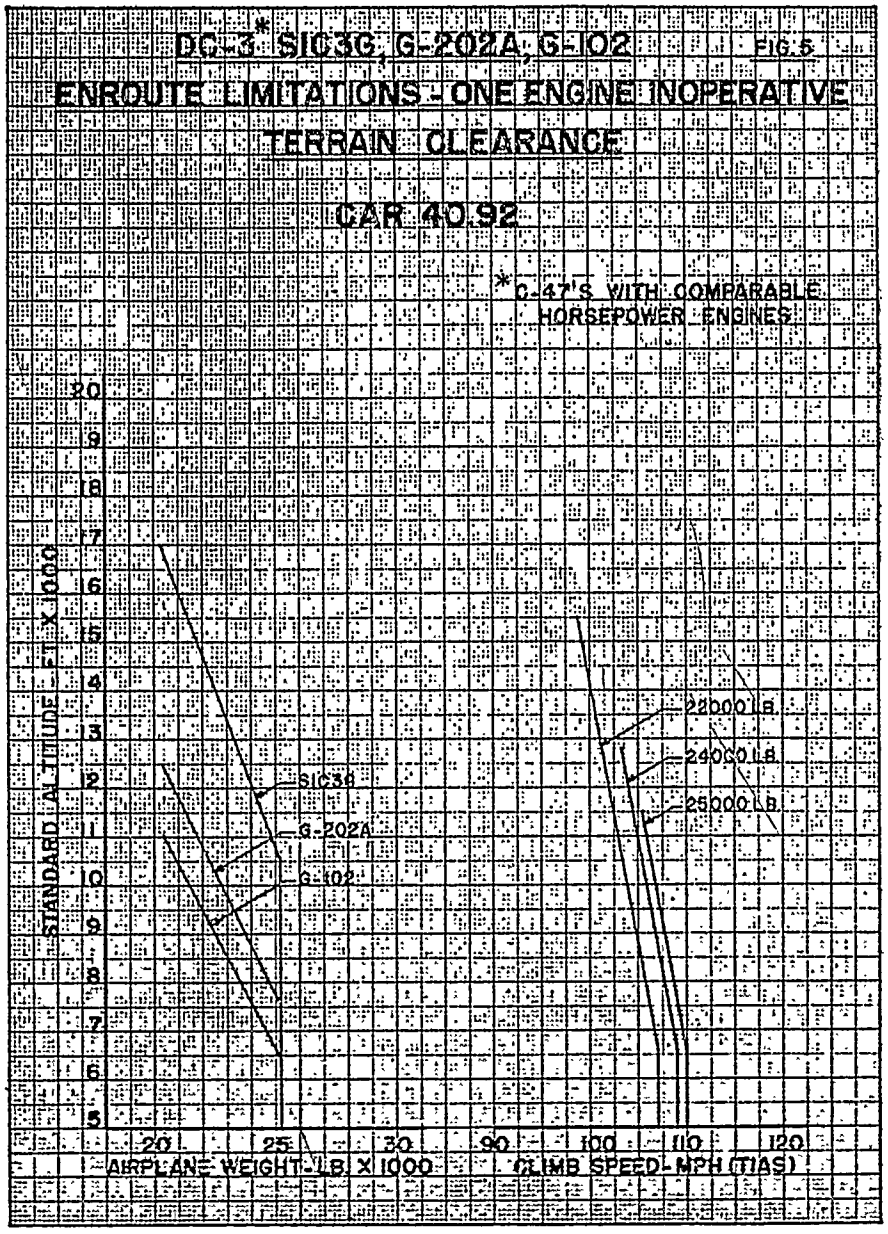
runway length of 3,800 feet. This figure is predicated on $1.05V_{mc}$=92 m. p. h. Since figure 10 indicates $1.05V_{mc}$(92 m. p. h. TIAS)=97.6 m. p. h. TAS (use 98) at an elevation of 4,000 feet, the distance of 3,800 feet must be multiplied by a correction factor from figure 9. The factor in this example, (25 m. p. h. headwind component and $1.05V_{mc}$=98 m. p. h. TAS), is 1.018 giving a corrected zero wind runway distance of 3,800 feet×1.018=3,868 feet. By referring to figure 3, it is found that this zero wind runway length will permit a take-off at a weight of 24,200 pounds.

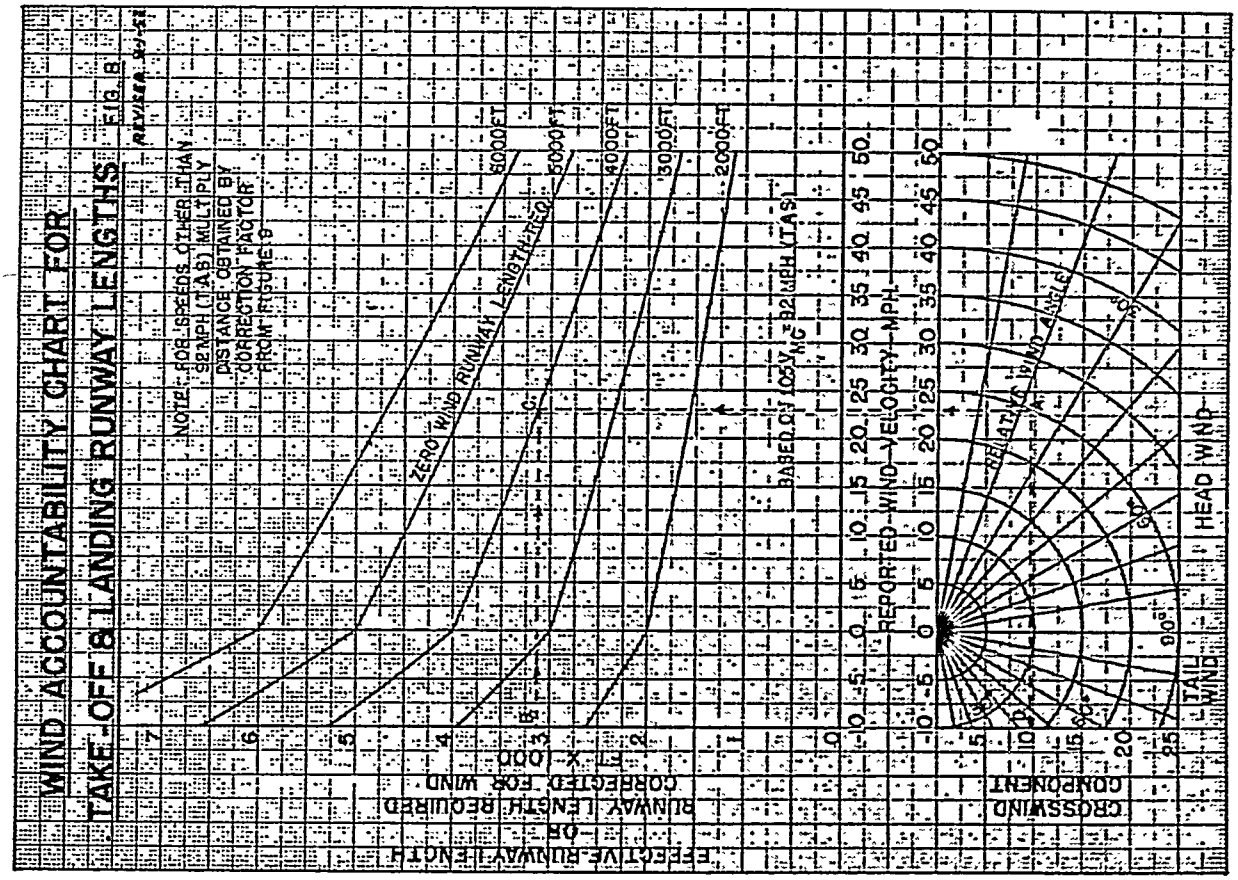
If the take-off was to be made in the opposite direction, the benefit of the downhill gradient on the accelerate distance would result in a zero gradient runway length of 3,770 feet. This would permit a take-off at a weight of 24,200 pounds, with zero wind. Figure 3 indicates that 3,970 feet of runway is required to permit take-off at a maximum gross weight of 25,200 pounds. Figure 8 indicates that a headwind component of 3 m. p. h. will give the desired zero wind runway length of 3,970 feet to permit take-off at the maximum gross weight.

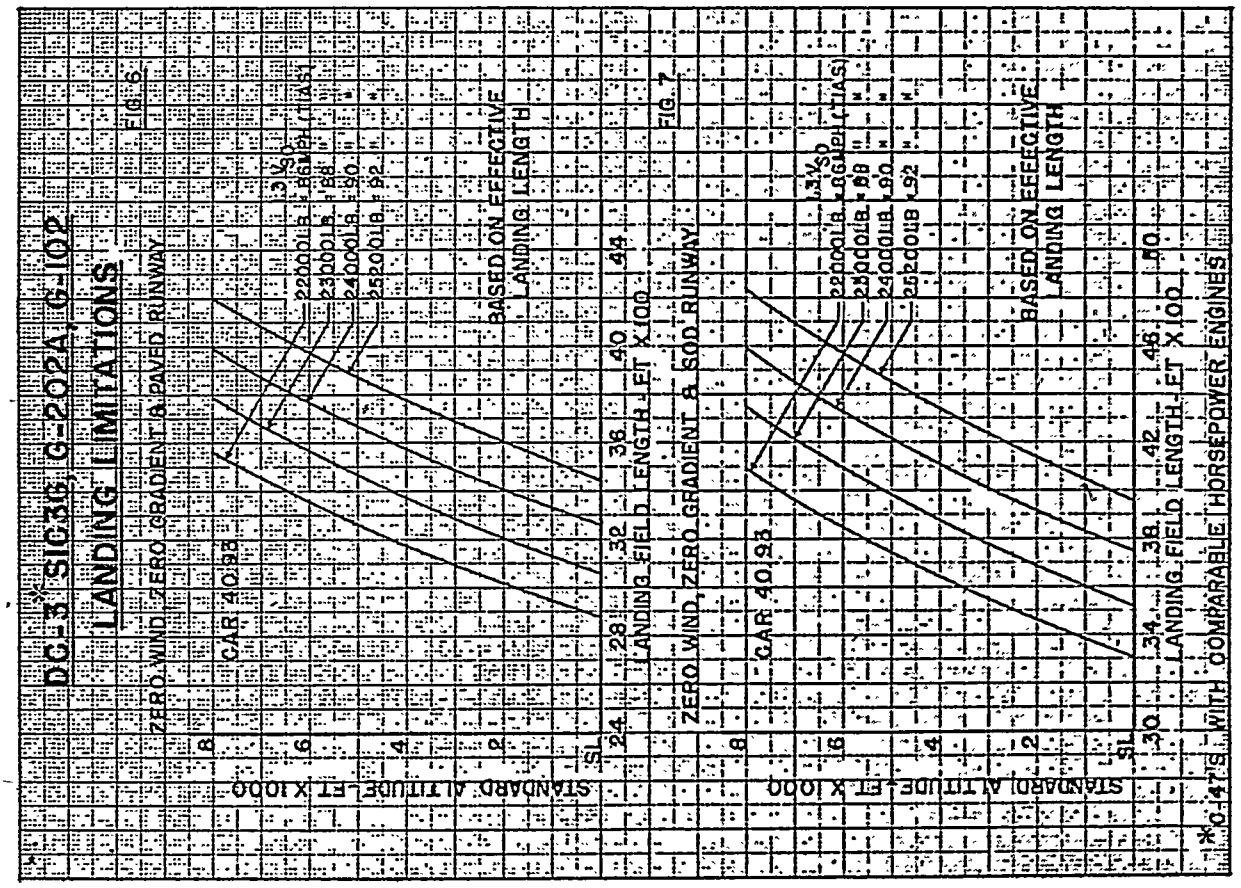
Example 3. Operating conditions for landing: Same as in example 2, except that § 40.93 does not require consideration of gradient in detailing the landing limitations.

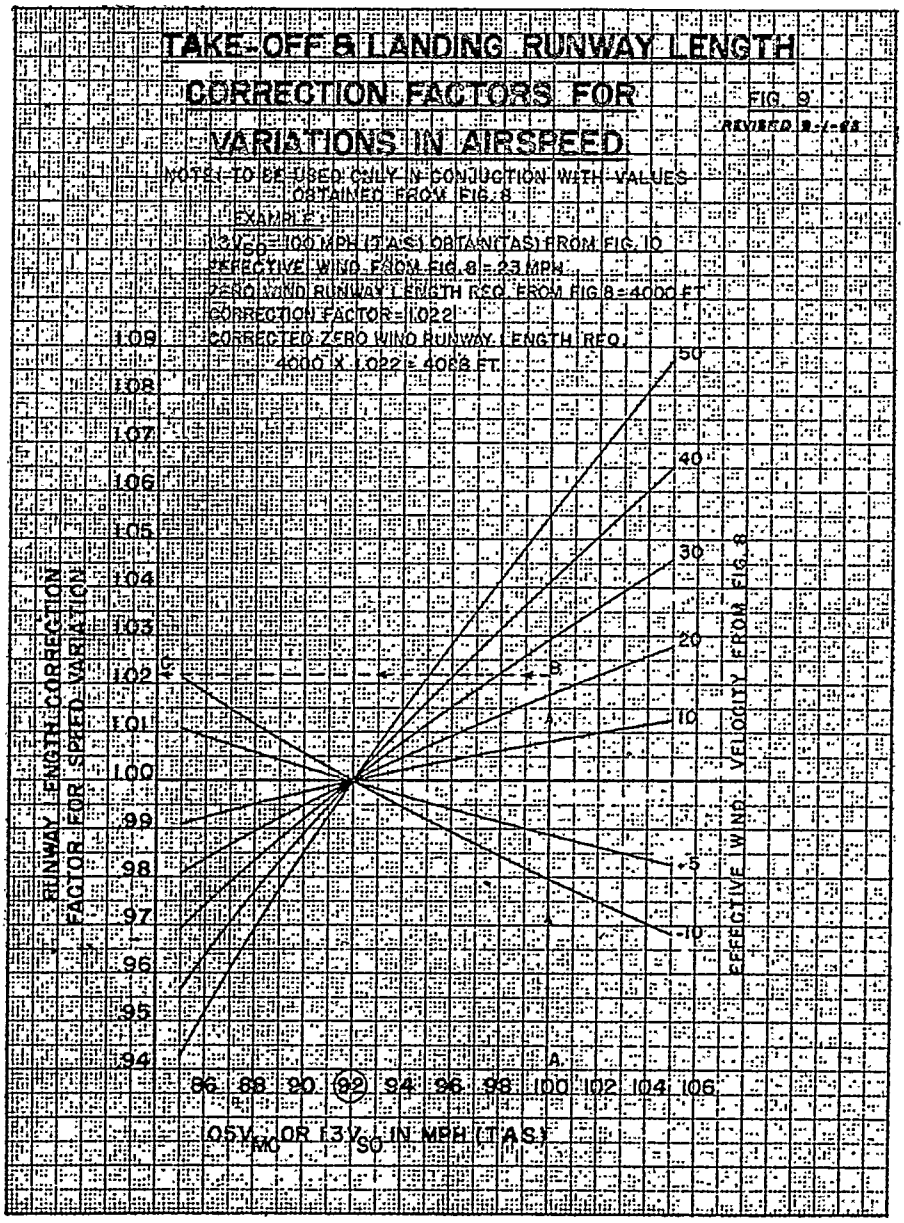
Referring to figure 6, we find that a 3,300-foot paved runway at an elevation of 4,000 feet, permits a landing gross weight of 22,600 pounds, in a zero wind condition. If a 25 m. p. h. headwind component is forecast, we find by reference to figure 8 that the zero wind runway length becomes 4,300 feet. In this example, the distance of 4,300 feet is predicated on $1.3V_{s_0}$=92 m. p. h. Therefore, by reference, figure 10, $1.3V_{s_0}$ is found to be 98 m. p. h. at 4,000 feet and by reference to figure 9, it is found that the correction factor is 1.018, resulting in a zero wind runway length of 4,300×1.018=4,377 feet. Figure 6 indicates that this zero wind runway length will permit landing at the maximum gross weight.


DC-3* SIC3G, G-202A
TAKE-OFF LIMITATIONS
FIG. 3
ZERO WIND, ZERO GRADIENT & PAVED RUNWAY
CAR 40.91
22000 LB
23000 LB
24000 LB
25000 LB
BASED ON EFFECTIVE TAKE-OFF LENGTH
$105V_{MC}$ = 92 MPH (TIAS)
STANDARD ALTITUDE - FT. X 1000
TAKE-OFF FIELD LENGTH - FT. X 100
FIG. 4
ZERO WIND & ZERO GRADIENT
CAR 40.91
FOR USE IN COMPUTING SOD RUNWAY REQUIRMENTS
BASED ON ACTUAL LENGTH OF RUNWAY
*C-47'S WITH COMPARABLE HORSEPOWER ENGINES


DC-3* SIC3G, G-202A, G-102
FIG. 5
ENROUTE LIMITATIONS - ONE ENGINE INOPERATIVE
TERRAIN CLEARANCE
CAR 40.92
*C-47'S WITH COMPARABLE HORSEPOWER ENGINES
22000 LB
24000 LB
25000 LB
SIC3G
G-202A
G-102
STANDARD ALTITUDE - FT. X 1000
AIRPLANE WEIGHT - LB. X 1000
CLIMB SPEED - MPH (TIAS)


WIND ACCOUNTABILITY CHART FOR
TAKE-OFF & LANDING RUNWAY LENGTHS
FIG. 8
REVISED 10-1-52
NOTE: FOR SPEEDS OTHER THAN 92 MPH (TAS) MULTIPLY DISTANCE OBTAINED BY CORRECTION FACTOR FROM FIGURE 9
ZERO WIND RUNWAY LENGTHENING
8000 FT
6000 FT
4000 FT
3000 FT
2000 FT
BASED ON 105 KNOTS (121 MPH) TAS
REPORTED WIND VELOCITY—MPH
CROSSWIND COMPONENT
TAIL WIND
HEAD WIND
EFFECTIVE RUNWAY LENGTH
OR
RUNWAY LENGTH REQUIRED
CORRECTED FOR WIND
X 1000


DC-3*SIC3G, G-202A, G-102
LANDING LIMITATIONS
FIG. 6
ZERO WIND, ZERO GRADIENT & PAVED RUNWAY
CAR 40.93
STANDARD ALTITUDE-FT X 1000
LANDING FIELD LENGTH-FT X 100
FIG. 7
ZERO WIND, ZERO GRADIENT & SOD RUNWAY
CAR 40.93
BASED ON EFFECTIVE LANDING LENGTH
22000 LB
23000 LB
24000 LB
25200 LB
* 0-47 S.L. WITH COMPARABLE HORSEPOWER ENGINES



equipment for the flight crew shall be required in nonpressurized cabin airplanes having built-in carbon dioxide fire extinguisher systems in fuselage compartments (for example, cargo or combustion heater compartments) except that protective breathing equipment will not be required where:

(a) Not more than five pounds of carbon dioxide will be discharged into any one such compartment in accordance with established fire control procedures, or

(b) The carbon dioxide concentration at the flight crew stations has been determined in accordance with § 4b.484–1 and found to be less than 3 percent by volume (corrected to standard sea-level conditions)

§ 40.302–1 *Pilot check—proficiency requirements (CAA rules which apply to § 40.302 (b))* The following items are required by the Administrator to determine the proficiency of the pilot-in-command:

(a) *Equipment examination (oral or written)* (1) The equipment examination shall be pertinent to the type of aircraft to be flown by the pilot-in-command and may be given (i) in the air carrier's ground school, (ii) during a routine line check under the supervision of an authorized company check pilot, or (iii) during the proficiency check.

(2) The examination shall at least contain questions relative to engine power settings, airplane placard speeds, critical engine failure speeds, control systems, fuel and lubrication systems, propeller and supercharger operations, hydraulic systems, electric systems, anticing, heating and ventilating, and pressurization system (if pressurized) A record should be maintained in the pilot's file which will indicate the date, condition under which equipment examination was given, and grade received.

(b) *Taxiing, sailing, or docking.* Attention shall be directed to the manner in which the pilot-in-command conducts taxiing, sailing, or docking with reference to the taxi instruction as issued by airport traffic control or other traffic control agency, and taxi instruction which may be published in the air carrier's operations manual, and general regard for the safety of the air carrier's and other equipment which may be affected by taxiing, sailing, or docking operation.

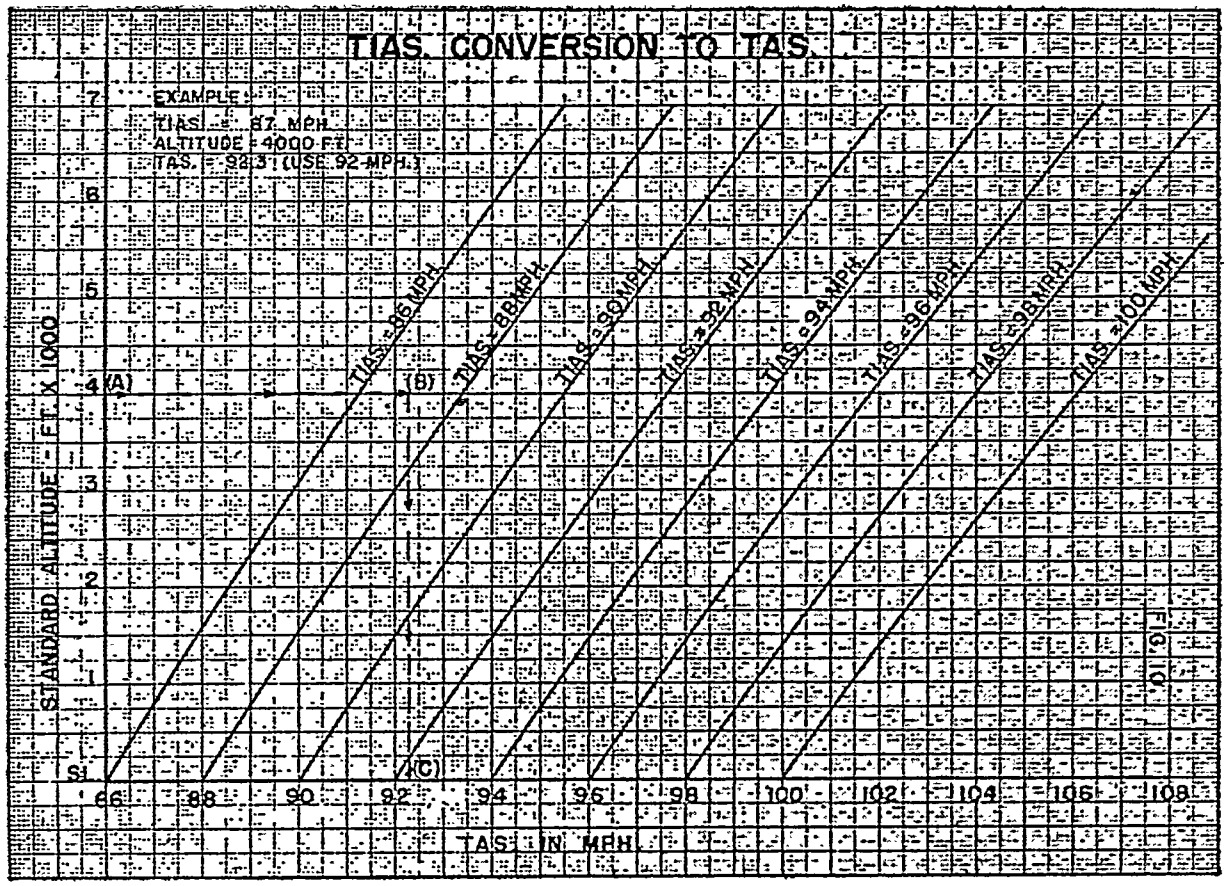
(c) *Run-up.* Attention to detail in the use of cockpit check list and cockpit procedure shall be observed on all proficiency flights.

(d) *Take-off.* For those air carriers authorized take-off minimums of less than 300–1, the pilot being examined shall whenever practicable execute a take-off solely by reference to instruments, or at the option of the check pilot, a contact take-off may be made following which instrument conditions shall be simulated at or before reaching 100 feet with the subsequent climb conducted solely by reference to instruments. The check pilot shall observe the pilot's ability to maintain a constant heading during the take-off run, his proficiency in handling power, flap and gear operation during the critical period between take-off (off ground) and reaching five hundred feet. Should it become necessary for the check pilot to give assistance after becoming airborne, the maneuver shall be considered as unsatisfactory.

(e) *Climbs and climbing turns.* Climbs and climbing turns shall be performed in accordance with the airspeeds and power settings as prescribed by the air carrier or those set forth in the "Airplane Flight Manual." The use of proper climb speeds and designated rates of climb shall be considered in determining the satisfactory performance of this phase of the proficiency flight.

(f) *Steep turns.* Except as provided hereinafter, steep turns shall consist of at least forty-five degrees of bank. The turns shall be at least 180° of duration, (but need not be more than 360°), Smooth control application, and ability to maneuver aircraft within prescribed limits, shall be the primary basis for judging performance. When information is available on the relation of increase of stall speeds vs. increase in angle of bank, such information shall be reviewed and discussed. As a guide, the tolerance of 100 feet plus or minus a given altitude shall be considered as acceptable deviation in the performance of steep turns. Consideration may be given to factors other than pilot proficiency which might make compliance with the above tolerances impractical. For example, where the range of vision from the safety observer's position is obstructed in certain types of aircraft while in a steep left turn, the degree of left bank in such instances may be reduced to not less than thirty degrees.

(g) *Maneuvers (minimum speeds)* Maneuvers at minimum speeds shall be accomplished while using the prescribed flap settings as set forth in the Airplane Flight Manual. In addition, attention shall be directed to airplane performance as related to use of flaps vs. clean



configuration while operating at minimum speeds. Attention shall be directed toward the pilot's ability to recognize and hold minimum controllable airspeed to maintain altitude and heading, and to avoid unintentional approaches to stalls.

(h) *Approach to stalls.* Approach to stalls shall be demonstrated from straight flight and turns, with and without power. An approach to stall shall be executed in landing or approach configuration. The extent to which the approach to stall will be carried and the method of recovery utilized shall be dictated by (1) the type of aircraft being flown, (2) its reaction to stall conditions, and (3) the limitation established by the air carrier. Performance shall be judged on ability to recognize the approaching stall, prompt action in initiating recovery, and prompt execution of proper recovery procedure for the particular make and model of aircraft involved.

(i) *Propeller feathering.* Propeller feathering or the assimilation thereof shall be accomplished in accordance with instructions set forth by the air carrier and be exercised at sufficient altitude to insure adequate safety for the performance of the operation. The pilot's ability to maintain altitude, directional control, and satisfactory airspeed shall be the desired prerequisites in accomplishing this maneuver. The manner in which the pilot manages his cockpit during propeller feathering shall also be noted.

(j) *Maneuvers (one or more engines out).* When performing maneuvers (one or more engines out) the aircraft shall be maneuvered with a loss of fifty percent of its power units, such loss to be concentrated on one side of the aircraft. The loss of these power units may be simulated either by retarding throttles or by following approved feathering procedures. The pilot-in-command shall be required to maintain headings and altitude and to make moderate turns both toward and away from the dead engine or engines. Proficiency shall be judged on the basis of the pilot's ability to maintain engine-out airspeed, heading and altitude; to trim the airplane; and to adjust necessary power settings.

(k) *Rapid descent and pull-out.* This maneuver shall consist of the following steps: While the aircraft is in the appropriate holding configuration and being flown at a predetermined altitude, it will be assumed that the aircraft has arrived at a navigational fix and is cleared to descend immediately to a lower altitude. (The lower altitude shall be one which permits a descend of at least 1,000 feet.) Upon reaching the lower altitude, the aircraft shall be recovered from the rapid descent and flown on a predetermined heading and altitude for a predetermined period of time. At the end of the time interval, an emergency pull-out shall be executed which will involve a change of direction of at least 180° Performance shall be judged on the basis of ability to establish a rapid descent at constant airspeed, stopping the descent at the minimum altitude specified without going below it, holding heading and altitude, and smooth pull-up and climb.

(l) *Ability to tune radio.*[1]

(m) *Orientation.*[1]

(n) *Beam bracketing.*[1]

(o) *Cone identification.*[1]

(p) *Loop orientation.*[1]

(q) *Approach procedures.* An approach procedure shall be made in the aircraft on the let-down aid for which the lowest minimums on a system-wide basis are authorized and include, where possible, holding patterns and air traffic control instructions which might be used by the pilot in day-to-day operations. If at the time of the proficiency flight the let-down aid affording the lowest minimums is not in operation at the point the check is given, the landing aid which affords the next lowest minimums on a system-wide basis shall be used. Where a particular air carrier is authorized landing minimums based on instrument landing systems and ground control approach, the predominant landing aid on a system-wide basis shall be utilized. In some cases a particular air carrier may be authorized its lowest landing minimums on a let-down aid

[1] Paragraphs (l), (m), (n), (o), and (p) of this section shall be accomplished in a satisfactory manner either during (1) a routine line check under the supervision of an authorized company check pilot, (2) in a simulated or synthetic trainer, or (3) during the proficiency flight. A record shall be maintained in the pilot's file which shall indicate the date, method utilized, and grade received in the performance of these items.

which is not installed and operating at locations where the air carrier's pilots are based. It shall be the responsibility of the air carrier in this case to conduct proficiency flights at locations where such an aid is installed and operating. All other approaches which a particular operator may be authorized to use, such as ADF LF/MR range, VOR, and VAR shall be made and may be conducted in a simulator or other approved type trainer. A record shall be maintained in the pilot's file which will indicate the date that these approaches were performed and the grade received. If these approaches (ADF LF/MR range, VOR, and VAR) are not performed in a simulator or other approved type trainer, they shall be accomplished on the proficiency flight.

(r) *Missed approach procedures.* (See paragraph (s) of this section.)

(s) *Traffic control procedures.* Missed approach procedures and traffic control procedures shall be accomplished in a manner satisfactory to the authorized check pilot. The degree of satisfactory or unsatisfactory performance shall be predicated on the pilot's ability to (1) maneuver the aircraft while performing these procedures, (2) follow instructions either verbal or written which may be pertinent to the accomplishment of these procedures. Paragraphs (r) and (s) of this section may be accomplished while performing paragraph (q)

(t) *Cross-wind landing.* A cross-wind landing shall be performed when practicable. Traffic conditions and wind velocities will dictate as to whether a cross-wind landing is practicable. Performance shall be judged on the technique used in correcting for drift on final approach, judgment in the use of flaps, and directional control during rollout.

(u) *Landing under circling approach conditions.* Landing under circling approach conditions shall necessitate a path of flight around the landing area which will require not more than a 180° turn but not less than a 90° turn. The pilot shall be judged on the basis of altitude and airspeed control and his ability to maneuver under the minimum ceiling and visibility conditions prescribed.

(v) *Take-offs and landing (with engine(s) failures)* If it is consistent with safety traffic patterns, local rules and laws, a simulated engine failure shall be experienced during take-off. The simulated failure shall occur at any time after the aircraft has passed the V_1 speed pertinent to the particular take-off and when practicable before reaching 300 feet. When performing the landing, the aircraft shall be maneuvered to a landing while utilizing 50 percent of the available power units. The simulated loss of power shall be concentrated on one side of the aircraft. The pilot's ability to satisfactorily perform this maneuver shall be evaluated in the manner stated under paragraph (i) of this section.

(w) *Judgment.* The pilot shall demonstrate judgment commensurate with experience required of a pilot-in-command of air carrier aircraft.

(x) *Emergency procedures.* The emergency procedures shall be applicable to the type of aircraft being flown and in accordance with the emergency procedures prescribed by the air carrier. A record shall be maintained in the pilot's file which will list the emergency procedures accomplished, date performed, and grade received.

(y) *Additional training.* If performance of any of the above items is unsatisfactory in the judgment of the check pilot he may, at his discretion, give additional training to the pilot during the course of the proficiency check. If after such training, the pilot being checked is still unable to demonstrate satisfactory performance to the check pilot, he shall not be used in scheduled operation until such time as he shall have demonstrated proficiency.

§ 40.406–1 *Take-off and landing weather minimums (CAA rule which applies to § 40.406 (b))* (a) Whenever the latest weather report, furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau contains a visibility value specified as a runway visibility for a particular runway of an airport, such visibility shall be used for straight-in instrument approach and landing or take-off for that runway only. The terminal visibility as reported in the main body of such weather report shall be used for instrument approach and landing or take-off for all other runways.

(b) The ceiling value reported in the main body of such weather report shall constitute the ceiling for both circling and straight-in instrument approach and landing or take-off for all runways.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 608, 52 Stat. 1007, 1010, 1011; 49 U. S. C. 551, 554, 555, 558, 559)

This supplement shall become effective January 1, 1954.

[SEAL] F B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53–10489; Filed, Dec. 23, 1953, 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 53]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administration Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.13 *Green civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio (LFR).	Parkman (INT), Ohio.	2,000
Parkman (INT), Ohio.	Youngstown, Ohio (LFR).	2,200
Brecksville, Ohio (FM).	Parkman (INT), Ohio (eastbound only).	2,600

2. Section 610.14 *Green civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Columbia, Mo. (LFR).	St. Peters (INT), Mo.	2,600

3. Section 610.220 *Red civil airway No. 20* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio (LFR)	Akron, Ohio (LFR)...	2,000
North Royalton, Ohio (FM).	Akron, Ohio (LFR) (southeast-bound).	2,600
Lansing, Mich. (LFR).	Flint, Mich. (LF/RBN).	2,300

4. Section 610.231 *Red civil airway No. 31* is amended to eliminate:

From—	To—	Minimum altitude
Stanton, Minn. (LF/RBN).	Red Wing (INT), Minn.	2,400

5. Section 610.231 *Red civil Airway No. 31* is amended by adding:

From—	To—	Minimum altitude
Stanton, Minn. (LF/RBN).	LaCrosse, Wis. (LFR)	2,600

6. Section 610.281 *Red civil airway No. 81* is amended to eliminate:

From—	To—	Minimum altitude
Cadillac, Mich. (LF/RBN).	Lansing, Mich. (LFR).	2,700

7. Section 610.303 *Red civil airway No. 103* is added to read:

From—	To—	Minimum altitude
Skilak[1] (INT), Alaska.	Middleton Island, Alaska (LF/RBN).	9,000

[1] 6,100'—Minimum crossing altitude at Skilak (INT), southeast-bound.

8. Section 610.306 *Red civil airway No. 106* is added to read:

From—	To—	Minimum altitude
Scottsbluff, Nebr. (LFR).	North Platte, Nebr. (LFR).	5,800

9. Section 610.307 *Red civil airway No. 107* is amended by adding:

From—	To—	Minimum altitude
Stanton, Minn. (LF/RBN).	Red Wing (INT), Minn.	2,400

10. Section 610.603 *Blue civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
White Cloud (INT), Mich.	Cadillac, Mich. (LF/RBN).	3,200

11. Section 610.611 *Blue civil airway No. 11* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio (LFR).	Perry, Ohio (LF/RBN).	2,500

12. Section 610.638 *Blue civil airway No. 38* is amended to read in part:

From—	To—	Minimum altitude
Gustavus,[1] Alaska (LFR).	Haines, Alaska (LF/RBN).	9,400
Haines, Alaska (LF/RBN).	Whitehorse,[2] Canada (LFR).	10,300

[1] 7,000'—Minimum crossing altitude at Gustavus (LFR), Northeast-bound.
[2] For that airspace over U. S. territory.

13. Section 610.662 *Blue civil airway No. 62* is amended to read in part:

From—	To—	Minimum altitude
Salem, Mich. (VAR)...	Dunham Lake (INT), Mich.	2,500
Dunham Lake (INT), Mich.	Flint, Mich. (LF/RBN).	2,300

14. Section 610.1001 *Direct routes; United States* is amended by adding:

From—	To—	Minimum altitude
Newton (INT), Kans...	North Fork, Kans. (LF/RBN).	3,000
Hutchinson, Kans. (LF/RBN).	Newton (INT), Kans.	3,000

15. Section 610.6002 *VOR civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Lansing, Mich. (VOR) via N. alter.	Howell[1] (INT), Mich. via N. alter.	2,000
Howell[1] (INT), Mich. via N. alter.	Detroit, Mich. (VOR) via N. alter.	2,500

[1] 2,900'—Minimum crossing altitude at Howell (INT), westbound.

16. Section 610.6006 *VOR civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Cleveland, Ohio (VOR).	Chagrin Falls (INT), Ohio.	2,000
Chagrin Falls (INT), Ohio.	Youngstown, Ohio (VOR).	2,500
Cleveland, Ohio (VOR), via N. alter.	Youngstown, Ohio (VOR), via N. alter.	2,000

17. Section 610.6033 *VOR civil airway No. 33* is amended to read in part:

From—	To—	Minimum altitude
Philipsburg, Pa. (VOR).	Bradford, Pa. (VOR).	4,000
Bradford, Pa. (VOR)...	Buffalo, N. Y. (VOR).	4,500

18. Section 610.6034 *VOR civil airway No. 34* is amended to read in part:

From—	To—	Minimum altitude
Rochester, N. Y. (VOR).	Bellona (INT), N. Y...	3,000
Bellona (INT), N. Y....	Binghamton, N. Y. (VOR).	3,500

19. Section 610.6040 *VOR civil airway No. 40* is amended to read in part:

From—	To—	Minimum altitude
Flint (INT), Mich.....	Milford[1] (INT), Mich.	2,300
Milford[1] (INT), Mich..	Detroit, Mich. (VOR).	2,500

[1] 4,000'—Minimum reception altitude.

20. Section 610.6043 *VOR civil airway No. 43* is amended to read in part:

From—	To—	Minimum altitude
Columbus, Ohio (VOR).	Tiverton (INT), Ohio (int. 152° mag. rad. Mansfield, Ohio (VOR), and 53° mag. rad. Columbus, Ohio (VOR)).	2,500
Tiverton (INT), Ohio.	Fredricksburg (INT), Ohio.	[1] 4,200
Fredricksburg (INT), Ohio.	Canton (INT), Ohio. (int. 135° mag. rad. Cleveland, Ohio (VOR) and 226° mag. rad. Youngstown, Ohio (VOR)).	[1] 5,000
Canton (INT), Ohio....	Youngstown, Ohio (VOR).	2,500

[1] 2,500'—Minimum terrain clearance altitude.

21. Section 610.6045 *VOR civil airway No. 45* is amended to read in part:

From—	To—	Minimum altitude
Waterville, Ohio (VOR).	Henrietta[1] (INT), Mich.	2,300
Henrietta[1] (INT), Mich.	Lansing, Mich. (VOR).	2,300

[1] 3,000'—Minimum reception altitude.

22. Section 610.6072 *VOR civil airway No. 72* is amended to read in part:

From—	To—	Minimum altitude
Bradford, Pa. (VOR)...	Elmira, N. Y. (VOR).	4,000

23. Section 610.6084 *VOR civil airway No. 84* is amended to read in part:

From—	To—	Minimum altitude
Lansing, Mich. (VOR).	Flint (INT), Mich.....	2,400

24. Section 610.6090 *VOR civil airway No. 90* is amended to read in part:

From—	To—	Minimum altitude
Lansing, Mich. (VOR).	Howell (INT), Mich..	2,000
Howell (INT), Mich....	Milford[1] (INT), Mich.	[2] 4,000

[1] 4,000'—Minimum reception altitude.
[2] 2,500'—Minimum terrain clearance altitude.

25. Section 610.6116 *VOR civil airway No. 116* is amended to read:

From—	To—	Minimum altitude
Erie, Pa. (VOR).....	Bradford, Pa. (VOR).	4,000
Bradford, Pa. (VOR)...	Stonyfork (INT), Pa..	4,500
Stonyfork (INT), Pa....	Wilkes-Barre, Pa. (VOR).	[1] 5,000

[1] 4,500'—Minimum terrain clearance altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 29, 1953.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-10694; Filed, Dec. 23, 1953; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53399]

MISCELLANEOUS AMENDMENTS TO CHAPTER

To eliminate obsolete material, correct discrepancies, clarify certain provisions, and for other reasons specially indicated,

the Customs Regulations are amended as follows:

Except as otherwise specially indicated, the authorities for the respective amendments are those cited in 19 CFR Chapter I for the respective sections that are being amended.

PART 3—DOCUMENTATION OF VESSELS

1. The citation of authority for § 3.2 is amended to read "R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, R. S. 4132, as amended, sec. 22, 41 Stat. 997, R. S. 4136, as amended, 4214, as amended, secs. 2, 9, 39 Stat. 729, as amended, 730, as amended, sec. 27, 41 Stat. 999, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 11, 13, 14, 103, 802, 808, 883."

2. Section 3.19 (a) (1) is amended to read as follows:

(1) In the case of an individual, a native-born, derivative, or naturalized citizen of the United States;

3. Section 3.28 is amended by inserting "and new" after "Rebuilt" in the heading, by deleting paragraphs (a) and (c), by redesignating paragraph (b) as (a) and by adding the following new paragraphs:

(b) When application is made by a vessel owner to a collector of customs to note the place and date of rebuild of a vessel on its marine document or to document as a new vessel a vessel constructed in whole or in part from an old vessel, the applicant shall submit through the collector to the Commissioner of Customs a certificate of specifications outlining the work performed on the vessel and describing the extent to which old materials used were taken up, refitted, and reset, or the extent to which parts of the old hull in its intact condition were used or built upon. The application shall be accompanied by accurate sketches or blueprints illustrating the extent of the work performed when such sketches or blueprints are available. If the application is to have the vessel declared to be a new vessel, such application shall be accompanied by a certificate of the builder on customs Form 1261. The Commissioner of Customs shall decide whether the vessel is to be considered repaired, rebuilt, or new."

(c) A rebuilt vessel shall retain its name and official number and the date and place of rebuild shall be noted on its marine document. Upon a finding under this section that a vessel is new, an application shall be submitted for the award of an official number and all other requirements applicable in the case of any new vessel shall be met before a marine document is issued.

4. In order to eliminate the requirement for the filing of an authenticated copy of the certificate of death of the owner of any interest in a vesel in a case in which there is an administration of the estate establishing the fact of the owner's death, § 3.32 is amended by revising paragraph (c) to read as follows:

(c) When the owner of the whole or any part of such a vessel dies and there is an administration of his estate, an authenticated copy of the letters of appointment of the personal representative of the deceased owner shall be filed with the collector of customs before a new document is granted to that personal representative or to any of his successors in interest. In such a case, before a new document for a vessel is granted to one who acquires an interest therein as the beneficiary under a will, to the person succeeding to the interest of the deceased owner in case of intestacy, or to any successor in interest of either of them, an authenticated copy of the decree of distribution shall be filed with the collector of customs. The filing of an authenticated copy of the certificate of death or of the will of the deceased owner shall not be required.

and by deleting "(c) or" from paragraph (e) thereof.

5. Section 3.33 (d) is amended by adding at the end thereof the following: "A mortgage, whether ordinary or preferred, may, but need not necessarily, recite in full the last marine document of the vessel; if such marine document is not recited, the vessel shall be described by rig, name, official number, and gross tonnage."

6. The citation of authority for § 3.34 is amended to read "R. S. 161, sec. 2, 23 Stat. 118, as amended, R. S. 4159, 4160, sec. 30, subsecs. C, H, W 41 Stat. 1000, 1002, 1006, as amended, sec. 2, 43 Stat. 948; 5 U. S. C. 22, 46 U. S. C. 2, 29, 30, 921, 926, 983, 1012."

7. Section 3.42 (b) is amended by changing the period at the end of the first sentence to a comma and adding: "together with a duly authenticated translation of any such evidence that may be written in a foreign language."

and by deleting the period at the end of the third sentence and adding: "but no approval of a foreign government shall be required."

8. Section 3.43 (c) is amended by changing the period at the end of the first sentence to a comma and adding: "together with a duly authenticated translation of any such document that may be written in a foreign language."

(R. S. 161, 251, sec. 624, 46 Stat. 759, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. Since the inspection of vehicles is not within the purview of Part 4, § 4.1 (a) is amended by deleting the words "or vehicle" from each of the three places in which these words appear.

2. Note 19, appended to § 4.9 (a) is amended by substituting "Secretary of the Treasury" for "Secretary of Commerce [Commissioner of Customs]"

3. Section 4.14 is amended by inserting the following new sentence after the first sentence of paragraph (a) "Although an entry may not be required for certain items, as stated in paragraph (b) (1), such items must nevertheless be reported on customs Form 3415."

by inserting "as amended," after "Revised Statutes," in both places in which the term appears in the first sentence of paragraph (e) and in paragraph (g), and by inserting ", as amended," after "Statutes" in the first sentence of paragraph (k)

4. Section 4.20 (c) is amended by deleting footnote reference "43" following "Foreign vessels:" in the table and by changing footnote references "44" in the last two columns of the table to "43"

5. Footnote 43, appended to § 4.20 (c), is deleted and footnote 44, appended to the same section, is renumbered 43.

6. Section 4.21 (b) is amended by substituting "A vessel shall not be liable to the payment of tonnage tax or light money merely because—" for the language preceding the numbered subparagraphs; by deleting subparagraph (4), by renumbering subparagraphs (5) through (17) as (4) through (16), respectively; by revising renumbered subparagraph (4) to read:

(4) It is a vessel of war or other vessel which is owned by, or under the complete control and management of the United States or the government of a foreign country, and which is not carrying passengers or merchandise in trade or, if in ballast, which is not arriving from a foreign port during the usual course of its employment as a vessel engaged in trade.

by substituting "It is a" for "A" in renumbered subparagraph (5), by substituting "It is engaged" for "Engaged" in renumbered subparagraphs (6), (7), and (8) and by changing footnote reference "44a" in renumbered subparagraph (13) to "44"

7. Footnote 44a, appended to § 4.21 (b) is renumbered 44.

8. In order to avoid unnecessary correspondence in connection with applications for refund of tonnage tax payments and to help insure that payments rightfully due the Government are not avoided because a refund of a previous payment has been approved, and to delete matter pertaining only to internal management, § 4.24 of this part is amended by inserting the following sentence after the first sentence of paragraph (b) "The application shall include a certificate by the owner or by the owner's agent that payment of tonnage tax at the applicable rate has been or will be made for each entry of the vessel on a voyage on which that rate is applicable before the end of the current tonnage year, exclusive of any payment which has been refunded or which may be refunded as a result of such application."

and by deleting the second and third sentences of paragraph (d).

9. Section 4.63 (a) is amended to read as follows:

(a) No vessel shall be cleared for a foreign port unless there has been filed with the collector a manifest on customs Form 1374 covering the complete lading of the vessel, together with such export declarations as are required by pertinent regulations of the Bureau of the Census, Department of Commerce, or unless the vessel is cleared on the basis of a pro forma manifest (customs Form 1375) as provided for in § 4.75 of this part.

10. Since a certificate is to be accepted in lieu of the affidavit heretofore prescribed in certain cases, § 4.72 (b) is

amended by substituting "a certificate" for "an affidavit"

11. Section 4.75 is amended to read as follows:

§ 4.75 *Incomplete manifest; incomplete export declarations; bond.* (a) If a master desiring to clear his vessel for a foreign port does not have available for filing with the collector a complete cargo manifest [106] or all required shippers' export declarations,[107] the collector may accept in lieu thereof a pro forma manifest on customs Form 1375 if there is on file in his office a bond on customs Form 7567 or 7569 executed by the vessel owner or some other person as attorney in fact of the vessel owner.

(b) Not later than the fourth business day after clearance [108] from each port in the vessel's itinerary, except the final port, the master, or the vessel's agent on behalf of the master, shall deliver to the collector at each such port a complete manifest (customs Form 1374) of the cargo laden at such port together with duplicate copies of all required shippers' export declarations for such cargo. If the vessel is cleared at the final port of departure from the United States on the basis of the pro forma manifest prescribed in paragraph (a) of this section, there shall be filed with the collector for that port within 4 business days after clearance therefrom a complete manifest of all cargo on board, together with duplicate copies of all required shippers' export declarations for cargo laden at that port. That portion of the manifest covering cargo laden at any prior port may consist of a certified copy of the final manifest filed at such port. It shall be the responsibility of the vessel's agent at each such prior port to deliver a copy of the manifest covering cargo laden at that port to the collector at the final port within 4 business days after the vessel's clearance from such final port. The oath of the master or agent on customs Forms 1374 and 1375 shall be properly executed before acceptance.

(c) During any period covered by a finding by the President under section 1 of the act of June 15, 1917, as amended (50 U. S. C. 191) that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, no vessel shall be cleared for a foreign port until a complete outward foreign manifest and all required export declarations have been filed with the collector, unless clearance in accordance with paragraphs (a) and (b) of this section is authorized by the Commissioner of Customs.

(R. S. 161, 4197, as amended, 4200, as amended, sec. 2, 23 Stat. 118, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 91, 92)

12. A new footnote is appended to § 4.75 (b) to read as follows:

[106] The statutory grace period of 4 days for filing the complete manifest and missing export declarations begins to run on the first day (exclusive of any day on which the customhouse is not open for marine business) following the date on which clearance is granted.

13. The citation of authority for § 4.83 is amended to read "R. S. 161, sec. 2, 23 Stat. 118, as amended, R. S. 2793, as amended, 4197, as amended, 4200, as amended, 4318, as amended, 32 Stat. 172, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 91, 92, 95, 111, 123, 258."

(R. S. 161, 251, sec. 624, 46 Stat. 759, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

1. In view of Executive Order 10264 (16 F R. 6417) and section 27 of the Organic Act of Guam, approved August 1, 1950 (48 U. S. C. 1421–1424b), footnote 14, appended to § 7.8, is amended to read as follows:

[14] Guam, Wake Island, Midway Islands, Kingman Reef, and American Samoa are American territory, but not within the customs territory of the United States. Importations into those islands are not governed by the Tariff Act of 1930 or these customs regulations. The customs administration of American Samoa is under the jurisdiction of the Department of the Interior (Office of Territories). The customs administration of Wake Island is under the jurisdiction of the Department of Commerce (Civil Aeronautics Administration). The customs administration of Midway Islands and Kingman Reef is under the jurisdiction of the Department of the Navy. The customs administration of Guam is under the Government of Guam.

2. Footnote 15, appended to § 7.9, is amended by adding the following immediately before the closing quotation mark: "In determining whether such a Virgin Islands article contains foreign material to the value of more than 20 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

1. Section 8.39 (a) as amended by T. D. 53336, is further amended by inserting "10.60 (b) or" between "section" and "18.16 (a)" in the first clause of the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. Section 10.31 (c) is amended by deleting the next to the last sentence.

2. Section 10.39 (a) is amended by inserting "as amended," after "1930," in the second sentence, by substituting "the purpose of importation" for "experimental purposes" in the same sentence, and by substituting "use" for "experiment" in the same sentence.

3. Section 10.40 is amended by deleting "the collector shall place such cash deposit in his deposit fund account and" from paragraph (a) and by substituting "Bureau" for "Commissioner of Customs" in the last sentence of paragraph (b).

4. Section 10.42 (g) is amended by substituting "paragraph" for "subsection" in the second sentence.

5. Section 10.48 (b) (1) is amended by substituting "foreign service" for "consular"

6. Section 10.50 is amended by substituting "foreign service" for "consular"

7. In view of the amendment of section 484 (f) Tariff Act of 1930, by section 3 (b) Customs Simplification Act of 1953, § 10.53 (e) is amended by deleting the last two sentences and substituting therefor the following: "However, such furniture may be entered at any port for transportation in bond to one of the ports named herein, or to any authorized place of deposit outside one of those ports, for examination and release, as contemplated by section 484 (f) Tariff Act of 1930, as amended, if the port of entry designated in the transportation entry is one at which furniture may be entered for consumption and there is a compliance with the procedure prescribed by § 18.11 (c) of this chapter."

8. Section 10.58 (a) (2) is amended by deleting "certifying"

9. Section 10.59 (a) is amended by deleting "from bonded warehouses"

10. Section 10.65 (c) (5) is amended by substituting "declaration" for "affidavit"

11. Section 10.66 (a) (2) is amended by substituting "foreign service" for "consular"

12. Section 10.67 (a) (2) is amended by substituting "foreign service" for "consular"

13. Section 10.73 is amended by deleting "(a)" from the beginning of the first paragraph, by substituting "General Agreement on Tariffs and Trade" for "Canadian Trade Agreement" in the first sentence of the first paragraph, by deleting "certifying" from the second and third sentences of the first paragraph, by transferring the citation of authority to the end of the first paragraph, and by deleting paragraph (b).

14. Footnote 67, appended to § 10.73, is revised to read as follows:

[67] Item 701, General Agreement on Tariffs and Trade (T. D. 51802)

Tariff Act of 1930, paragraph	Description of products	Rate of duty
701	Cattle weighing less than 200 pounds each or 700 pounds or more each	1½¢ per lb.
	Provided, That not more than 200,000 head of cattle weighing less than 200 pounds each entered in the 12-month period beginning Apr. 1 in any year, and not more than 400,000 head of cattle weighing 700 pounds or more each (other than cows imported specially for dairy purposes) entered in any such period, but not more than 129,000 head of such cattle weighing 700 pounds or more each entered in any 3-month period beginning Apr. 1, July 1, Oct. 1, or Jan. 1 within any such 12-month period, shall be dutiable at 1½ cents per pound; and any of the foregoing cattle not subject to that rate of duty shall be dutiable at	2½¢ per lb.
	(Second proviso obsolete.)	

15. Section 10.75 is amended by substituting "1607 (b)" for "1607" in both places in which the latter number appears.

16. Note 69, appended to § 10.75, is amended by substituting "(b) Wild" for "* * * wild" at the beginning of the quoted matter and by substituting "1607 (b)" for "1607" and "1607 (b)" for "1682" in the parenthetical matter.

17. Section 10.78 (b) is amended by inserting "Tariff Act of 1930," after "1730 (a)"

18. Section 10.79 is amended by substituting "of" for the "by" following "3295," in the first sentence of paragraph (a) and by deleting "authorized to administer oaths" from the second sentence of paragraph (b)

19. As customs Form 7506–A has been abolished, § 10.80 is amended by substituting "7506" for "7506–A" in the last sentence.

20. Section 10.84 (c) is amended by substituting "lower rate" for "rate of 10 percent ad valorem" in the first sentence.

21. Section 10.89 is amended by inserting "as modified," after "1930," and inserting "(or 0.8 cent, if exposed in Cuba)" after "foot" in paragraph (a) and by substituting "appropriate rate" for "rate of 1 cent per linear foot" in paragraph (c)

22. Section 10.90 (e) is amended by substituting "$250" for "$100" in the second sentence.

23. As the matter now in § 10.93 (c) is covered by § 10.94 (a) (1) § 10.93 is amended by transferring the citation of authority to the end of paragraph (b) and deleting the remainder of paragraph (c)

24. Section 10.94 is amended by inserting "bonded" before "wool" in the first sentence of paragraph (a) by substituting "subparagraph" for "paragraph" in paragraph (a) (3) and by deleting "of 1942" from the first paragraph of the form of certificate in paragraph (e)

25. Section 10.103 is amended by substituting "section" for "sections" in the first clause and by inserting "or other free list provision" after "1628"

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

1. Section 11.8 is amended by deleting "not" and substituting "in accordance with" for "except as provided for in" in paragraph (h) and by inserting "or transfer to customs territory" immediately after "withdrawal" in paragraph (l)

2. Section 11.9 (a) is amended by substituting "No" for "Any" at the beginning of the first sentence and by deleting "not" from that sentence.

3. Section 11.13 is amended by deleting footnote reference "15" at the end of paragraph (b) and by substituting "section 294, 1124, or 1125, title 15,[14]" for "the law set forth in footnote 14 or 15" in paragraph (d)

4. The contents of footnote 15 are added at the beginning of footnote 14 and footnote 15 is deleted.

5. Section 11.14 is amended by inserting the following immediately before the footnote reference "16" at the end of paragraph (a) "The prohibition does not apply to articles to which a copying or simulating mark has been applied, if such mark is removed or completely obliterated before importation. See § 11.17 (b)"

by changing the period at the end of paragraph (b) to a comma and adding "or by a related company as defined in section 45 of the Trade-Mark Act of 1946.[17]" and by revising the citation of authority to read "R. S. 161, secs. 42, 45, 60 Stat. 440, 443, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 15 U. S. C. 1124, 1127, 19 U. S. C. 1624."

6. Footnote 17, appended to § 11.15 (a) is deleted and the following new footnote is appended to § 11.14 (b)

[17] The term "related company" means any person, partnership, association, or corporation which legitimately controls, or is controlled by, the registrant or applicant for registration in respect to the nature and quality of the goods in connection with which the mark is used. See 15 U. S. C. 1127.

7. Section 11.15 is amended to read as follows:

§ 11.15 *Trade-marks; recording;*[16] *change of ownership; renewal.* (a) To record a trade-mark with the Treasury Department, an application, which may be in the form of a letter, shall be addressed to the Commissioner of Customs, Washington 25, D. C., stating the name, residence, and citizenship of the owner or owners (if a partnership, the citizenship of each partner; if a corporation or association, the country or State within which it was organized or created) the name of the locality in which the goods are manufactured, and the name and address of each related company or foreign person, partnership, association, or corporation using the trade-mark while acting as the principal or agent of the trade-mark owner. The application shall be accompanied by one certified copy of the original certificate of registration issued by the Commissioner of Patents in accordance with the Trade-Mark Act of February 20, 1905, or section 7 of the Trade-Mark Act of July 5, 1946, to which shall be attached one printed Patent Office facsimile of the statement and drawing covering the trade-mark; such of the documents mentioned in paragraph (b) or (c) of this section as may be required to show the ownership of the applicant, or renewal of the trade-mark; 500 uncertified facsimiles of the statement and drawing covering the trade-mark (which may be reproduced privately from a Patent Office facsimile) for distribution to all collectors of customs and appraisers of merchandise; and the fee of $25 prescribed by § 24.12 of this chapter. Checks or money orders in payment of the fee shall be made payable to the Head, Fiscal Section, Bureau of Customs.

(b) If ownership of a registered trade-mark is claimed by an applicant by virtue of an assignment of such trade-mark, there shall be transmitted with the application for recording, in addition to the documents and information specified in paragraph (a) of this section, a certified abstract of title from the records of the United States Patent Office showing the ownership of the applicant and a statement as to whether or not the mark has been reassigned without recordation of the reassignment. Similar documentary evidence shall accompany an application for recording if the commercial name of the applicant has been changed subsequent to the registration of the trade-mark.

(c) If the application for recording is presented after the expiration of the period for which the certificate of registration or a renewal thereof was issued, the application shall be accompanied by a certified copy of a certificate of renewal from the United States Patent Office showing that the registration is in force. In order to continue to receive the protection of the trade-mark statutes with respect to imported merchandise, such a certified copy of each subsequent certificate of renewal shall be promptly filed with the Treasury Department.

(R. S. 161, sec. 42, 60 Stat. 440, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 15 U. S. C. 1124, 19 U. S. C. 1624)

8. Section 11.16 is amended by substituting "Commissioner" for "Bureau" in the first sentence of paragraph (a), by deleting the last "and" in that sentence; by deleting the footnote reference "17" and changing the period at the end of that sentence to a comma and adding "and the name and address of each related company or foreign person, partnership, association, or corporation using the trade name while acting as the principal or agent of the trade name owner."; by inserting "not associated with or related to the applicant but" after "two other persons" in the second sentence of paragraph (a) and by revising the citation of authority to read "R. S. 161, sec. 42, 60 Stat. 440, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 15 U. S. C. 1124, 19 U. S. C. 1624."

9. Footnote 17, appended to § 11.16 (a) is deleted.

10. Section 11.17 is amended by deleting "of foreign manufacture which bears a trade-mark entitled to the protection of section 526, Tariff Act of 1930,[18] and merchandise" from paragraph (a) and by revising the citation of authority to read "R. S. 161, sec. 42, 60 Stat. 440, secs. 618, 624, 46 Stat. 757, 759; 5 U. S. C. 22, 15 U. S. C. 1124, 19 U. S. C. 1618, 1624."

11. Footnote 18, appended to § 11.17 (a) is deleted.

12. Section 11.18 is amended by deleting "16," from the citation of authority.

13. Section 11.19 is amended by deleting "(61 Stat, 652)" from paragraph (a), by deleting paragraph (e), and by revising paragraph (d) to read as follows:

(d) In the case of copyrighted works other than those specified in paragraph (b) of this section, application for recordation shall be made to the Commissioner of Customs, Washington 25, D. C. Such application shall be accompanied by one certified copy of the certificate of registration issued by the Copyright Office pursuant to the provisions of section 209 of the Copyright Act, 500 photographic or other adequate likenesses of the copyrighted work for dis-

tribution to all collectors of customs and appraisers of merchandise, and the fee of $25 prescribed by § 24.12 of this chapter. Checks or money orders in payment of the fee shall be made payable to the Head, Fiscal Section, Bureau of Customs.

(Sec. 1, 61 Stat. 652, 17 U. S. C., Sup., 109)

14. Section 11.21 is amended by substituting "section 1 of the act of July 30, 1947, as amended,[34]" for "section 16, Title 17, United States Code, as amended by the act of June 3, 1949 (Pub. Law No. 84, 81st Cong.) [34]" in the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. Section 12.1 is amended by deleting the last sentence from paragraph (a) and the last sentence from paragraph (c).

2. Section 12.3 is amended by substituting "Department of Health, Education, and Welfare" for "Federal Security Agency"

3. Section 12.7 is amended by deleting "from Federal Security Agency" from the heading and by substituting "Department of Health, Education, and Welfare" for "Federal Security Agency" in the first sentence of paragraph (a) and in the first sentence of paragraph (b)

4. Section 12.11 (b) is amended by substituting "under an entry for immediate transportation" for "I. T." and "certified" for "consular"

5. Section 12.18 is amended by inserting "such" after "container of" in the first sentence.

6. Section 12.26 (b) (4) is amended by substituting "Department of Health, Education, and Welfare" for "Federal Security Agency" in the first sentence.

7. Section 12.28 (b) is amended by deleting "of Customs"

8. Section 12.33 is amended by deleting "regulations of Federal Security Agency" from the heading, by substituting "certified" for "consular" in paragraph (e) and by substituting "Department of Health, Education, and Welfare" for "Federal Security Agency" in paragraph (e)

9. Section 12.35 (b) is amended by substituting "carrier" for "vessel" in the first sentence.

10. Section 12.37 (a) is amended by substituting "(27 U. S. C. 203)" for "(Sec. 3, 49 Stat. 878)"

11. Section 12.40 is amended by substituting "described" for "included" in paragraph (b) and by substituting "an action" for "in action" in paragraph (d)

12. Section 12.48 is amended by inserting "any token, disk, or device in the likeness or similitude of any coin of the United States or of a foreign country" after "Code," in paragraph (a) by inserting footnote reference "31" after "securities of the United States" in paragraph (a) by deleting the footnote reference "31" at the end of paragraph (a), by deleting "489 or" from both places in the first sentence of paragraph (c) and by deleting "illustrations of coins or medals, or" from the first sentence of paragraph (c).

13. Footnote 31, appended to § 12.48 (a) is amended to read as follows:

[31] The term "obligations or other security of the United States" includes all bonds, certificates of indebtedness, national bank currency, Federal Reserve notes, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued under any act of Congress, and canceled United States stamps. (18 U. S. C. 8.)

14. Footnote 32, appended to § 12.48 (c), is amended by deleting the first paragraph.

15. Section 12.50 is amended as follows:

a. Paragraph (c) is amended to read as follows:

(c) Merchandise entered for warehouse for which a withdrawal for consumption has been made in the manner stated in § 8.4 (g) of this chapter prior to the opening of any quota period may not be accorded any quota benefit which may become effective after the time of such withdrawal, even though the permit of delivery for the withdrawn merchandise is not delivered to the customs warehouse officer until after the effective date of the quota benefit.

b. Paragraph (d) is amended by inserting "or withdrawals, or both," after "entries" in the first clause of the first sentence; by deleting "warehouse" from the second clause of the first sentence; by substituting "or" for "and" in the last clause of the first sentence; by inserting the following new sentence after the second sentence: "No importer shall be permitted to present entries or withdrawals for a quantity in excess of the quota quantity."

and by substituting "withdrawals for consumption" for "warehouse withdrawals" in the next sentence.

c. Paragraph (e) is amended by inserting "or withdrawal" after "entry"

d. Paragraph (f) is amended by inserting "or withdrawals" after "entries" in both places in which the latter term appears.

16. Section 12.51 (a) is amended by substituting "$250" for "$100" in the second sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 13—EXAMINATION AND MEASUREMENT OF CERTAIN PRODUCTS

1. To eliminate an unnecessary administrative requirement of an oath, § 13.3 is amended by substituting "a certificate" for "an affidavit"

2. To correct an inadvertence, § 13.4 (a) as amended by T. D. 53336, is further amended by inserting a footnote reference "4" immediately after "human consumption" in the first place in which that term appears.

3. Section 13.11 (a) (3) is amended by inserting "in whose name the entry is filed or" after "actual owner"

4. Section 13.13 (c) is amended by substituting "provisions of" for "authority vested in the collector and the appraiser by" in the first sentence and by substituting "the collector or the appraiser" for "officer" in the same sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 14—APPRAISEMENT

1. Section 14.5 (1) is amended by deleting "not previously imported"

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPPED

1. Section 15.7 (a) is amended by substituting "report" for "return"

2. Section 15.8 (b) is amended by deleting "paragraph 813 and"

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 16—LIQUIDATION OF DUTIES

1. Section 16.4 is amended by substituting "subparagraph" for "paragraph" in paragraph (d) (4) and by substituting "or" for "and" and deleting "of Customs" in paragraph (e).

2. To eliminate an unnecessary administrative requirement of an oath, § 16.6 (c) is amended by substituting "a certificate" for "an affidavit" in the last subparagraph.

3. Section 16.8 is deleted.

4. Section 16.10 is amended by deleting "; duress entries" from the heading.

5. Section 16.10a (c) is amended by substituting "paragraph" for "subsection" and "315 (d)" for "315" in the first sentence.

6. Section 16.14 (b) is amended by substituting "the collector" for "collectors"

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 17—PROTESTS AND REAPPRAISEMENTS

1. Section 17.4 (c) is amended by substituting "§ 24.36 of this chapter" for "Part 24"

2. Section 17.5 is amended by deleting "following decisions of the courts" from the heading; by revising paragraph (a) to read as follows:

(a) Each stipulation, whether following a decision of the Customs Court or the Court of Customs and Patent Appeals or embracing an agreed statement of facts, which is to be certified by a customs employee, shall be presented in triplicate to the office of the Assistant Attorney General, Civil Division, Customs Section, 201 Varick Street, New York 14, N. Y., from which it will be forwarded for certification to the appraiser or collector for the district in which the related protest or appeal for reappraisement was filed. The said Customs Section will forward with the stipulation the pertinent entry papers and other documents.

by deleting the last sentence of paragraph (c) by transferring the citation of authority for the section to the end of paragraph (e), and by deleting paragraph (f).

3. Section 17.11 (a) is amended by substituting "The complaint" for "Complaint" in the last sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. Section 18.1 (a) is amended by changing the period at the end of the last sentence to a comma and adding "as amended (49 U. S. C. 1002 (a) (5) "

2. Section 18.8 (c) is amended by substituting "the required" for "such"

3. Section 18.10 is amended by inserting "or rewarehouse" after "Warehouse" in paragraph (a) (3) by deleting "bonded" from the second sentence of paragraph (b) and by inserting "under subparagraphs (3) (4) or (5) of paragraph (a) of this section" after "shipments" in the second sentence of paragraph (b)

4. Section 18.12 (a) is amended by inserting "an" after "under" in the first clause of the first sentence.

5. Section 18.13 is amended by substituting "carrier" for "vessel" in the first sentence of paragraph (a) by inserting "in paragraph (c) of this section" after "described" in the same sentence, and by inserting "first" after "actual" and " unless such place is the final destination" after the last "States" in the second sentence of paragraph (e)

6. Section 18.25 (c) is amended by substituting "New York Office, Foreign Trade Division, Bureau of the Census" for "Section of Customs Statistics"

7. Section 18.30 (a) is amended by inserting a period after "required" and deleting the remainder of the paragraph.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

1. Section 19.1 (a) is amended by deleting the second sentence from subparagraph (1)

2. Section 19.2 (d) is amended by changing the period at the end of the second sentence to a comma and adding "as amended by T. D. 52403."

3. Section 19.5 is amended by inserting "(5 U. S. C. 921)" immediately before the period at the end of the first sentence of paragraph (b) by substituting "(5 U. S. C. 911, 922)" for "by the Federal Employees Pay Act of 1946" and "(19 U. S. C. 267, 1451)" for "(the act of February 13, 1911, as amended, and section 451 of the Tariff Act of 1930, as amended)" in the second sentence; and by revising the citation of authority to read as follows: "Secs. 201, 301, 302, 604, 59 Stat. 296, 298, as amended, 303, 304, as amended, sec. 603, 63 Stat. 965, as amended, secs. 203, 204, 65 Stat. 679, as amended, 681, sec. 5, 36 Stat. 901, as amended, secs. 451, 555, 556, 624, 46 Stat. 715, as amended, 743, 759; 5 U. S. C. 911, 921, 922, 944, 1113, 2062, 2063, 19 U. S. C. 267, 1451, 1555, 1556, 1624."

4. Section 19.13 (c) is amended by changing the comma to a period and deleting the remainder of the sentence.

5. Section 19.14 (c) is amended by substituting "customs warehouse officer" for "storekeeper" in the text preceding the form and in the second part of the form.

6. Section 19.17 is amended by deleting paragraphs (b) (c) and (f), by redesignating paragraphs (d) (e) (g) (h) and (i) as (b) through (f) respectively; and by inserting " as amended by T. D. 52403," after "50267" in the second sentence of redesignated paragraph (e)

7. Section 19.18 is amended by substituting "lead, tin, or copper" for "lead and tin, copper" in the last sentence.

8. Section 19.22 is amended by inserting "which have been lost and are attributable to the exported product" immediately before the period at the end of the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE

1. Section 20.4 is amended by substituting "General Services Administration" for "Division of Procurement" and by revising the citation of authority to read "R. S. 161, 251, sec. 492, 46 Stat. 727, 53 Stat. 245, 304; 5 U. S. C. 22, 19 U. S. C. 66, 1492, 26 U. S. C. 2190, 2805."

2. Section 20.6 (g) is amended by changing the comma following "1930" in the first sentence to a period and deleting the remainder of the sentence (not including the footnote reference "9")

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 22—DRAWBACK

1. Section 22.5 (a) is amended by inserting "as amended," after "1930," in the text preceding the subparagraphs.

2. Section 22.6 (b) (4) is amended by inserting "refined" after "All" in the second sentence.

3. In order to provide for the extension of a prescribed period for the completion of a drawback claim when failure to complete the claim within the prescribed period is occasioned by action of a responsible customs officer, § 22.13 (a) is amended by substituting " unless it is established that failure to complete the claim within 3 years was occasioned by action of a responsible customs officer" for "for any cause" in the last sentence.

4. Section 22.18 (g) is amended by substituting "imported" for "important" in the last sentence.

5. Section 22.28 (b) is amended by substituting "a temporary importation" for "6-months' "

6. In view of the amendment of section 313 (c) Tariff Act of 1930, by section 12 (b) Customs Simplification Act of 1953, and to simplify administrative procedure, § 22.32 is amended by revising the caption to read "Drawback entry." by substituting "a drawback entry in triplicate on customs Form 7539" for "an application in duplicate on customs Form 7537" in the first sentence of paragraph (a) by substituting "drawback entry" for "application" in the second sentence of paragraph (a), by substituting "Each drawback entry covering" for "All applications for the exportation of" in the first sentence of paragraph (b), by inserting "import" after "named in the" and substituting "drawback entry" for "application" in the first sentence of paragraph (b) by substituting "drawback entry" for "application" in the second sentence of paragraph (b), by inserting the following new sentence before the last sentence in paragraph (b) "If the merchandise was shipped to the importer without his consent, a clear statement of that fact shall be submitted, together with all information in the possession of the importer as to the reason for the shipment."

and by inserting "or circumstances" immediately after "specifications" in the last sentence of paragraph (b)

7. For the reasons last indicated, § 22.33 is amended as follows:

a. The first sentence of paragraph (a) is deleted and the following is substituted therefor: "Upon receipt of the drawback entry, the collector shall assign a number thereto, by appropriate notation on all copies, approve the place of deposit of the merchandise specified by the person making the entry or designate another place if that one is not deemed suitable, and return the original to the entrant for presentation with the merchandise to the customs officer at the place of deposit. If the merchandise is to be exported otherwise than by mail, one copy of the entry shall be returned to the entrant for resubmission to the collector in accordance with paragraph (e) of this section."

b. Paragraph (a) is further amended by substituting "after" for "from" in the present second sentence and by substituting "drawback shall be denied" for "the application shall be disapproved" in the last sentence.

c. Paragraph (c) is amended by deleting the first two sentences and substituting therefor the following: "The drawback entry, fully executed in triplicate on customs Form 7539, shall accompany or be mailed simultaneously with the parcel, unless such form is not available to the exporter, or unless the information necessary to complete the entry is not available at the time of mailing, in either of which cases the merchandise may be submitted without the entry to the postmaster for delivery to the collector of customs. When the returned merchandise is received by the collector without the related drawback entry, he shall immediately furnish the exporter with the proper number of copies of Form 7539 for prompt execution and return."

d. Paragraph (e) is amended by substituting "entrant" for "applicant" in the first sentence and "entry" for "application" in both places in the same sentence; by deleting the second sentence and substituting therefor the following: "If the entry has been approved and the merchandise is to be exported otherwise than by mail, the importer or whoever shall have been designated by the importer in writing shall file with the collector, at least 6 hours before lading of the merchandise, a copy of the entry with the name of the exporting carrier

and the place of lading shown thereon and the exporter's declaration thereon fully executed. The export procedure and liquidation of the entry shall be the same, so far as applicable, as in the case of an exportation of merchandise from continuous customs custody with benefit of drawback."

and by substituting "drawback is denied, the entrant" for "the application has been disapproved, the applicant" in the last sentence.

8. Section 22.34 is amended by substituting "drawback entry" for "application for exportation" in the second sentence.

9. Section 22.35 is amended by substituting "drawback entry" for "application of the importer" and by inserting " or of shipment without the consent of the consignee," after "specifications"

10. The foregoing amendments of §§ 22.32 to 22.35 contemplate the use of a revised customs Form 7539, which will be in effect a consolidation of the present customs Forms 7537 and 7539. Customs Form 7537 is therefore abolished, but the stocks of the present Forms 7537 and 7539 shall be used, the two forms in conjunction to be substituted for the Form 7539 prescribed in these amendments, until such stocks are exhausted.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

1. Footnote 1, appended to § 23.1 (a) is amended by deleting the last paragraph.

2. Section 23.10 is amended by substituting "Administration" for "Commission" in the heading and by substituting "Maritime Administration" for "United States Maritime Commission" in paragraph (a)

3. Section 23.12 is amended by substituting "such section 606" for "this section" in paragraph (b) by deleting paragraph (e) and redesignating paragraph (f) as (e) and by deleting "by the appraiser" from the first sentence of redesignated paragraph (e)

4. Footnote 23, appended to § 23.12 (a) is amended by adding the following new paragraph:

The function of determining the domestic value of seized property under section 606, Tariff Act of 1930, in any case where the aggregate value of the seizure is not over $250 has been transferred from the appraiser to the collector. (T. D. 53322.)

5. Section 23.25 (a) is amended by substituting "6.13 (a)" for "6.10e (a)" in subparagraph (3) and by inserting "imported" after "When" in subparagraph (4)

6. Section 23.26 (a) is amended by inserting "it has received due notice that" after "until" in the first sentence, by inserting a period after "bank" in that sentence and deleting the remainder of the sentence (not including the footnote reference "41") and by changing the semicolon in the last sentence to a period and deleting the remainder of that sentence.

7. Section 23.32 is amended by revising the heading and paragraph (a) to read as follows:

§ 23.32 *Pollution of coastal and navigable waters.* (a) When any customs officer has reason to believe that any refuse matter is being or has been deposited in navigable waters in violation of section 13 of the act of March 3, 1899 (33 U. S. C. 407) or that oil is being or has been discharged into or upon the coastal navigable waters of the United States in violation of the Oil Pollution Act of 1924 (33 U. S. C. 431–437) [41a] he shall promptly furnish to the collector a full report of the incident, together with the names of the witnesses, and, when practicable, a sample of the material discharged from the vessel in question.

and by revising the citation of authority to read "R. S. 161, sec. 13, 30 Stat. 1152, sec. 7, 43 Stat. 605; 5 U. S. C. 22, 33 U. S. C. 407, 436."

8. A new footnote is appended to § 23.32 (a) to read as follows:

[41a] See Appendix VII, Customs Regulations.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. Section 24.3 is amended by redesignating paragraph (c) as (d) and inserting a new paragraph (c) to read as follows:

(c) When an importer desires a receipt for duties or taxes paid on a formal or appraisement entry, he shall prepare and present with the entry a copy of customs Form 5101 for such purpose.

2. Section 24.9 is deleted.

3. Section 24.11 (a) (2) is amended by substituting "25.4(31)" for "25.4 (32)"

4. Section 24.17 (a) (6) is amended by substituting "25.4 (31)" for "25.4 (32)". ministration"

5. Section 24.31 (b) (3) is amended by substituting "(section 481 (c) Title 40, United States Code)" for "(sec. 201 (c), Pub. Law 152, 81st Cong.)"

6. Section 24.36 (b) is amended by substituting "a transferee provided for in section 557 (b), Tariff Act of 1930, as amended," for "the transferee" in the third sentence, by inserting a period after "such transferee" in the same sentence, and by deleting the remainder of that sentence.

7. Section 24.70 is amended by substituting "section 61f–61k, title 5, United States Code" for "Public Law 636, approved August 3, 1950" in the first sentence of paragraph (a) by changing the last comma in the second sentence of paragraph (c) to a period and deleting the remainder of that sentence, and by deleting the parenthetical matter following the second sentence of paragraph (c).

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 25—CUSTOMS BONDS

1. Section 25.3 (a) is amended by substituting "Bureau" for "Commissioner of Customs" in the text preceding the numbered subdivisions and by inserting "as amended by T. D. 52403," after "50267," in subparagraph (4).

2. Section 25.4 is amended by substituting "This" for "The penalty on this" in the second sentence of redesignated subparagraph (26) of paragraph (a), by substituting "This" for "The penalty of this" in the second sentence of redesignated subparagraph (27) of paragraph (a) by substituting "amount of" for "penalty named in" in the first sentence of paragraph (b), by substituting "amount" for "penal sum" in the second sentence of paragraph (b) and by substituting "amount" for "penalty" in the third sentence of paragraph (b).

3. Section 25.12 (b) is amended by substituting "amount" for "penal sum" in the first sentence.

4. Section 25.14 is amended by substituting "amount" for "penalty" in the first sentence.

5. Section 25.16 (c) is amended by inserting "Saturday," before and a comma after "Sunday" in the last sentence.

6. Section 25.17 (f) is amended by substituting "Bureau" for "Commissioner of Customs" in the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 26—DISCLOSURE OF INFORMATION

1. Section 26.2 is amended by substituting "and hypothecations pertaining to vessels of the United States" for "hypothecations" in paragraph (a) (11) and by substituting "16 F. R. 6964" for "19 CFR 100.4" in paragraph (c).

2. Section 26.7 (c) is amended by inserting ", as amended" after "1917" and by deleting "as amended by Public Law No. 679, 81st Congress,"

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: December 17, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-10685; Filed, Dec. 23, 1953; 8:51 a. m.]

[T. D. 53398]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PART 14—APPRAISEMENT

MISCELLANEOUS AMENDMENTS

If the designations which, under section 499 of the Tariff Act of 1930, as amended, a collector is required to make of packages or quantities of imported merchandise are to serve as an effective control, such designations must be made before the merchandise is examined and released.

However, perishable and other merchandise for which an immediate delivery permit may be issued in order that it may be released prior to formal entry under section 448 (b) of the tariff act often arrives at night, or on Saturday, Sunday, or a holiday, when the officer authorized to designate packages or quantities for examination is not on duty. It is impracticable in such cases to make

such designations after the arrival of the merchandise but before its examination and release under an immediate delivery permit.

It is therefore necessary to authorize the designation of examination packages to be made under proper safeguards before the arrival of the merchandise which is to be released under an immediate delivery permit, and to include a requirement for the furnishing to the examining officer of a document containing data which will enable him to make a proper examination of the importation and to identify it with the special delivery permit. It is also deemed necessary to make certain minor changes in the regulations in order to prevent abuse of the immediate delivery permit procedure. Accordingly the Customs Regulations are hereby amended as follows:

1. Section 8.5 (d) is amended by changing the period before the parenthetical matter to a comma and adding "except as provided for in § 8.59 (c) relating to merchandise released under immediate delivery permits."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

2. Section 8.22 is amended by adding the following sentence before the parenthetical matter: "As to the designation for examination of merchandise to be released under immediate delivery permits, see § 8.59 (c) "

(Sec. 499, 46 Stat. 728, secs. 15, 16, 52 Stat. 1084, sec. 624, 46 Stat. 759; 19 U. S. C. 1499, 1624)

3. Section 8.59 is amended as follows:

a. Paragraph (a) is amended by deleting the last sentence. This deletion will not establish any new privilege since the effective rate of duty for goods released under an immediate delivery permit is the rate in effect when the entry covering the goods is finally accepted.

b. Paragraph (b) is amended by adding the following sentence: "No special permits shall be issued with respect to merchandise subject to quota except for arrivals after official hours or on a Saturday Sunday, or holiday."

c. Paragraph (c) as amended, is further amended by inserting the following matter after the first sentence: "Designations and orders for examination of merchandise to be released under immediate delivery permits may be made before the arrival of the merchandise by the collector, the assistant collector, a deputy collector, or a customs officer officially acting as one of the foregoing. Such designations and orders shall be made in the space provided therefor on the special permit, customs Form 3461, when possible, and the designations may be by minimum percentages of packages or quantities which shall be examined, unless the collector shall be of the opinion that the proper protection of the revenue requires packages to be otherwise designated for examination. Information as to particular packages designated for examination, when less than the total number of packages in the shipment, shall not be given or be accessible to anyone, other than the customs officers necessarily concerned, prior to the arrival of the merchandise within the limits of the port."

d. Paragraph (h) as amended, is further amended by inserting in the first sentence "(1 day in the case of merchandise subject to a quota)" after "2 days"

e. Paragraph (i) is amended by inserting after "release" the words "of merchandise not subject to a quota"

f. Paragraphs (j) and (k) are redesignated (k) and (l) respectively, and a new paragraph (j) is added, reading as follows:

(j) When timely entry has not been made for merchandise, other than merchandise subject to a quota, released under a special permit, and the importer files an application for relief from liquidated damages assessed, the collector may cancel such liquidated damages upon the payment of $10, if he is satisfied that the delay in filing the entry was not due to willful negligence and was occasioned by circumstances reasonably beyond the control of the parties.

g. Redesignated paragraph (k) is amended by adding the following: "Examination and release of merchandise under the special delivery provisions of this section shall not be made unless there is first furnished to the examining officer an invoice, waybill, or other satisfactory document setting forth an adequate description of the merchandise and the quantities thereof, together with the values or approximate values thereof when the latter information is needed in connection with the examination. If an annual special delivery permit is involved, the invoice or other document so presented to the examining officer shall also have shown thereon, when possible, the special delivery permit number, to facilitate the identification of the importation with the permit."

(R. S. 161, sec. 448 (b), 46 Stat. 714, sec. 499, 46 Stat. 728, secs. 15, 16 (a), 52 Stat. 1084, sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1448, 1499, 1623, 1624)

4. To conform with the foregoing amendments to Part 8 of the regulations, § 14.1 (a), is amended to read as follows:

(a) The designation of packages or quantities of merchandise for examination shall be deemed an order of appraisement for the purposes of section 488, Tariff Act of 1930.

(Sec. 488, 46 Stat. 725, sec. 624, 46 Stat. 759; 19 U. S. C. 1488, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: December 17, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-10684; Filed, Dec. 23, 1953; 8:51 a. m.]

[T. D. 53400]

PART 22—DRAWBACK

CERTIFICATE

To eliminate matters of internal procedure, § 22.25 (c) of the Customs Regulations (19 CFR 22.25 (c)) is amended to read as follows:

(c) If a certification as to any portion of the alcohol described in a certificate on internal revenue Form 646 should be required for the liquidation of drawback entries filed at another port, the collector, on written application of the person who requested its issuance, shall transmit an extract from the certificate for use at such port. The extract shall be made on customs Form 4541 and shall show the Internal Revenue Service certificate number on the original certificate. (Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624.)

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 313, 46 Stat. 693, as amended; 19 U. S. C. 1313)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: December 17, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-10686; Filed, Dec. 23, 1953; 8:51 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, as amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950——)

COORDINATION OF RAILROAD RETIREMENT PROGRAM WITH OLD-AGE AND SURVIVORS INSURANCE PROGRAM; BENEFITS IN CASE OF VETERANS

Regulations No. 4 (20 CFR, Cum. Supp., 404.1 et seq.) are amended as follows:

1. Section 404.206 (d) is amended to read as follows:

§ 404.206 *Wages and self-employment income used in determining average monthly wage.* * * *

(d) All wages deemed paid to an individual by reason of his service in the active military or naval service of the United States after September 15, 1940, and prior to July 1, 1955, provided such wages are otherwise creditable under the provisions of Subpart N of this part.

2. Section 404.213 (b) is amended to read as follows:

§ 404.213 *Recomputation of benefits for survivors.* * * *

(b) *Recomputation to include railroad compensation of earnings after individual's entitlement.* A survivor entitled to monthly benefits or a lump-sum death payment on the basis of the wages and self-employment income of an individual who died after August 1950 and who had been entitled to an old-age insurance benefit at the time of death, may secure recomputation of the decedent's primary insurance amount without filing application therefor provided:

(1) The decedent would have been entitled to a recomputation under § 404.212

(b) had he filed application therefor in the month of death, or

(2) The decedent during his lifetime was paid compensation under the Railroad Retirement Act (see Subpart O of this part) and his old-age insurance benefits had not been recalculated pursuant to the provisions of § 404.216.

3. There is inserted immediately after § 404.215 a new section, designated as § 404.216, which reads as follows:

§ 404.216 *Recalculation of benefits of an individual entitled to old-age insurance benefits to include compensation for railroad services.* Any individual who is entitled to old-age insurance benefits under section 202 (a) for months after October 1951 and whose benefits do not include the compensation received by him for his service in the railroad industry may have his benefits recalculated to include such compensation, provided such compensation may otherwise be treated as wages under the provisions of Subpart O of this part. No application is necessary for such recalculation. Such recalculation shall be made in the same manner as such individual's monthly benefits under section 202 (a) were last computed; any increase in such benefit amount due to such recalculation shall be effective for and after November 1951.

4. Section 404.304 is amended to read as follows:

§ 404.304 *Old-age insurance benefits; duration of benefits.* An individual is entitled to an old-age insurance benefit for each month beginning with the first month after August 1950 in which all of the conditions of entitlement are satisfied. The last month for which such individual is entitled to such benefit is the month preceding the month in which he dies. (See § 404.1405 for circumstances under which old-age insurance benefits may be terminated prior to the death of the individual.)

5. The following material is added as an appendix to Subpart G:

APPENDIX

1. *Applications filed with the Railroad Retirement Board.* Notwithstanding the provisions of § 403.701 of this chapter (Regulations No. 3) restricting the place for filing an application, which have been incorporated into this part by § 404.601, any application filed with the Railroad Retirement Board on or after August 1951 on its prescribed forms by an individual who at the time of filing such application had less than 10 years of service in the railroad industry (as defined in § 404.1403), by his spouse, or by or on behalf of his child, shall be deemed to be an application for benefits under title II of the act and shall be deemed filed with the Administration on the date as of which the Railroad Retirement Board certifies that such application is deemed filed with that agency.

2. *Time of filing applications for lump-sum death payment in case of serviceman dying outside the continental United States.* Where an individual, on the basis of whose wages and self-employment income a lump-sum death payment under section 202 (i) is claimed, died outside the forty-eight States or the District of Columbia after August 1950 and prior to July 1955, while he was in the active military or naval service of the United States, and where he is returned to any of such States, the District of Columbia, Alaska, Hawaii, Puerto Rico, or the Virgin Islands for interment or reinterment, the application for such lump-sum death payment may, notwithstanding the 2-year filing requirement of section 202 (i) (see § 404.338 (b)), be filed prior to the expiration of 2 years after the date of such interment or reinterment, but only if such application is filed by or on behalf of the person equitably entitled to the lump-sum death payment (see § 404.340).

6. Section 404.701 (e) is amended to read as follows:

§ 404.701 *Evidence as to right to receive monthly benefits and lump-sum death payments.* * * *

(e) *Evidence filed with Railroad Retirement Board.* When applications are made for annuities and lump sums under the Railroad Retirement Act (see Subpart O of this part) which under certain circumstances are also applications for benefits and lump-sum death payments under title II of the act, evidence developed and received by the Railroad Retirement Board in support of claims under the Railroad Retirement Act which are later transferred to the Administration may be used in determining entitlement to or eligibility for such benefits or lump-sum death payments payable under title II. Where a claim which has been completely adjudicated by the Railroad Retirement Board is transferred from that agency to the Administration, the Administration may, after examination, adopt as its initial determination any determination made by the Railroad Retirement Board (except as to compensation or periods of service—see section 5 (k) (3) of the Railroad Retirement Act), or, in light of the sufficiency of the supporting evidence or of new evidence which is introduced, may make such determination as shall be proper.

7. Section 404.806 (i) is amended to read as follows:

§ 404.806 *Revision of records of earnings after expiration of time limitation.* * * *

(i) To enter items of compensation for railroad service which constitute remuneration for employment pursuant to the provisions of Subpart O of this part, such entries to be in accordance with certified reports of records made by the Railroad Retirement Board pursuant to section 5 (k) (3) of the Railroad Retirement Act; or

8. Section 404.1001 (t) is amended to read as follows:

§ 404.1001 *General definitions and use of terms.* * * *

(t) "Railroad Retirement Act" means the Railroad Retirement Act of 1937 (50 Stat. 307) as amended by the following acts: Act of July 31, 1946 (60 Stat. 722) act of June 23, 1948 (62 Stat. 576), act of October 30, 1951 (65 Stat. 683)

9. Section 404.1017 is amended to read as follows:

§ 404.1017 *Railroad industry; employees and employee representatives under section 1532 of the Internal Revenue Code.* Except as particularly set forth in Subpart O of this part, services performed by an individual as an "employee" or as an "employee representative," as those terms are defined in section 1532 of subchapter B of chapter 9 of the Internal Revenue Code, are excepted from employment.

10. Section 404.1351 is amended to read as follows:

§ 404.1351 *Effect of section 217 (e) of the act.* Any veteran who served in the active military or naval service of the United States on or after July 25, 1947, and prior to July 1, 1955, will be deemed to have been paid wages (in addition to the wages, if any, actually paid to him) of $160 for each month during any part of which he rendered such service. Such wages will be credited to the account of such veteran for the purposes of determining entitlement to and the amount of any monthly benefit or lump-sum death payment payable under section 202 of the act on the basis of the wages and self-employment income of such veteran. Such crediting is subject to the limitations of the succeeding sections of this part.

11. Section 404.1353 is amended to read as follows:

§ 404.1353 *Meaning of "Federal benefit."* For the purposes of § 404.1352 and §§ 404.1354 to 404.1356, inclusive, a "Federal benefit" means any benefit (other than a lump-sum payment which is not a commutation of or substitute for periodic payments) under the civil service, railroad retirement, military or other Federal program which provides for retirement on account of age, length of service, or disability, or for survivors insurance, where the amount of such benefit is based, in whole or in part, upon active military or naval service during the period beginning with July 25, 1947, and ending prior to July 1, 1955, and such benefit is determined by any agency or wholly owned instrumentality of the United States (other than the Veterans' Administration) to be payable by it under any other law of the United States or under a system established by such agency or instrumentality.

12. Section 404.1355 is amended to read as follows:

§ 404.1355 *Effect of notice of determination that a "Federal benefit" is payable.* If the Administration has been notified by a department, agency, or wholly owned instrumentality of the United States that a "Federal benefit" (see § 404.1353) has been determined by it to be payable (even though later terminated) to anyone (including dependents or survivors) on the basis of the active service during the period beginning with July 25, 1947, and ending prior to July 1, 1955, of a veteran, any benefits or a lump sum payable under title II with respect to the wages and self-employment income of such veteran shall be determined without regard to the provisions in § 404.1351 for the crediting of wages granted under such section. If, prior to the receipt of such notification, the Administration has made a determination and pursuant to such deter-

mination has certified a benefit for payment to the veteran, his dependents or survivors, or has certified for payment a lump-sum death payment, as provided by § 404.1354, the Administration, upon the receipt of such notification, shall certify no further benefits for payment or shall recompute the amount of any further benefits as may otherwise be payable under title II, and shall also determine the existence and amount of any erroneous payment (see § 404.1356)

13. Section 404.1359 is amended to read as follows:

§ 404.1359 *Definition of the term "veteran"*—(a) *Included individuals.* The term "veteran," as used in §§ 404.1351 to 404.1358, inclusive, and §§ 404.1360 to 404.1362, inclusive, includes any individual who was in the active service of any of the armed forces of the United States, including the Army, Air Force, Navy, Marine Corps, and the Coast Guard or any of the components thereof on or after July 25, 1947, and prior to July 1, 1955, and including also any member of the commissioned corps of the United States Public Health Service in the active service of the Public Health Service on or after July 25, 1947, and prior to July 4, 1952, and who, if discharged or released from such active service, was so separated under conditions other than dishonorable (see § 404.1361) after service of at least 90 days or by reason of a disability or injury incurred or aggravated in service in line of duty.

(b) *Excluded individuals.* The term "veteran," as used in §§ 404.1351 to 404.1358, inclusive, and §§ 404.1360 to 404.1362, inclusive, does not include, among others, any individual who died in the active service if his death was inflicted as a punishment for a military or naval offense, other than by an enemy of the United States. Neither does it include a member of any of the units designated in the second sentence of § 404.1321 (b) insofar as such units were in existence during the period beginning with July 25, 1947, and ending prior to July 1, 1955.

14. Section 404.1360 is amended to read as follows:

§ 404.1360 *Active service of 90 days; defined.* Active service of 90 days means one or more periods totalling at least 90 days (whether or not consecutive) which are served in the period beginning with July 25, 1947, and ending prior to July 1, 1955. Where 90 days were not served wholly within such period, but such service began prior to July 25, 1947, and concluded on or after that date or began prior to July 1, 1955, and concluded on or after that date, the requirement of active service of 90 days is met only if such service of 90 days was continuous. Active service of 90 days is not necessary in the case of a veteran who was in the active service during the period referred to in the preceding sentence and who was separated therefrom by reason of a disability or injury incurred or aggravated in service in line of duty.

15. Subpart O is amended to read as follows:

SUBPART O—INTERRELATIONSHIP OF OLD-AGE AND SURVIVORS INSURANCE PROGRAM WITH THE RAILROAD RETIREMENT PROGRAM

§ 404.1401 *General relationship of Railroad Retirement Act with the old-age and survivors insurance program of the act.* The Railroad Retirement Act sets up a system of benefits for railroad employees, their dependents and survivors, and has in many respects been integrated with the Social Security Act to provide a coordinated system of retirement and survivor benefits payable on the basis of an individual's work in the railroad industry and in employment and self-employment covered by the Social Security Act. With respect to the coordination of the two programs the Railroad Retirement Act distinguishes between "career" railroaders and those individuals who may be considered "casual" railroad workers, the line of demarcation being 10 years of service in the railroad industry, including service prior to 1937. It transfers to the old-age and survivors insurance system individuals who at the time of retirement or death have less than 10 years of service in the railroad industry. Any compensation paid to such individuals for such service becomes wages under the Social Security Act so that whatever benefits are payable to them, their dependents, or their survivors come from the old-age and survivors insurance trust fund under the conditions set forth in title II of the Social Security Act. Those with 10 or more years of railroad service remain under the Railroad Retirement Act, except that under certain circumstances survivors of such workers may be shifted to the old-age and survivors insurance system.

§ 404.1402 *When services in the railroad industry are covered.* Services performed by an individual in the railroad industry which would, but for the provisions of this section, be excepted from "employment" by reason of § 404.1017 shall be considered to be in "employment" as defined in section 210 of the act in the following situations:

(a) For the purpose of determining entitlement to or the amount of any monthly benefit or lump-sum death payment on the basis of the wages and self-employment income of an individual whose years of service in the railroad industry are less than 10;

(b) For the purpose of determining entitlement to or the amount of any survivor monthly benefit or any lump-sum death payment on the basis of wages and self-employment income of an individual whose years of service in the railroad industry at the time of death were 10 or more (see § 404.1406 for circumstances under which no payment may be made even though services are in "employment"),

(c) For the purpose of applying the provisions of section 203 of the act (see Subpart E of this part)

§ 404.1403 *Definition of "years of service."* The term "years of service" as used in this subpart has the same meaning as assigned to it by section 1 (f) of the Railroad Retirement Act.

§ 404.1404 *Effective date of coverage of railroad services under the act.* The provisions of paragraphs (a) and (b) of § 404.1402, insofar as they relate to survivor monthly benefits and lump-sum death payments, are effective:

(a) In the case of monthly benefits, for months after December 1946, and

(b) In the case of lump-sum death payments, with respect to deaths after 1946.

The remaining provisions of such section are effective November 1, 1951.

§ 404.1405 *When the provisions of § 404.1402 do not apply*—(a) *Awards by the Railroad Retirement Board prior to October 30, 1951.* The provisions of § 404.1402 (a) shall not apply with respect to the wages and self-employment income of an individual if, prior to October 30, 1951, the Railroad Retirement Board has awarded under the Railroad Retirement Act a retirement annuity to such individual or a survivor annuity with respect to the death of such individual and such retirement or survivor annuity, as the case may be, was payable at the time an application for benefits is filed under the act on the basis of the wages and self-employment income of such individual. A pension payable under section 6 of the Railroad Retirement Act or an annuity paid in a lump sum equal to its commuted value under section 3 (i) of the Railroad Retirement Act in effect prior to the act of October 30, 1951, is not a "retirement or survivor annuity" for the purpose of this paragraph.

(b) *Individual continues to work in railroad industry after establishing entitlement to benefits under section 202* (a) An individual's service in the railroad industry used, pursuant to the provisions of § 404.1402, to establish entitlement to or to determine the amount of, his old-age insurance benefits under section 202 (a) shall not be deemed to be in "employment" as defined in section 210 of the act, if he renders service in the railroad industry after the effective date of such benefits and his years of service attributable thereto when added to his years of service prior to such effective date are 10 or more. Such benefits and any benefits payable to the spouse or child of such individual under sections 202 (b) (c) or (d) of the act on the basis of his wages and self-employment income shall be terminated with the month preceding the month in which such individual acquires his tenth year of service. If, however, an insured status (see Subpart B of this part) exists without the use of compensation, such benefits shall, in lieu of termination, be recalculated without using such compensation and the recalculated benefits shall be payable with the month in which the tenth year of service was acquired. Any monthly benefits paid prior to such month shall not be deemed erroneous by reason of the use of such compensation.

§ 404.1406 *Eligibility to railroad retirement benefits as a bar to payment of social security benefits.* Notwithstanding the fact that, pursuant to the preceding provisions of this subpart, serv-

ices rendered by an individual in the railroad industry are in employment, no lump-sum death payment or survivor monthly benefits shall be paid (except as provided in § 404.1407) under the regulations in this part on the basis of such individual's wages and self-employment income if any person, upon filing application therefor, would be entitled to an annuity under section 5 of the Railroad Retirement Act or a lump-sum payment under section 5 (f) (1) of such act with respect to the death of such individual.

§ 404.1407 *When railroad retirement benefits do not bar payment for social security benefits.* The provisions of § 404.1406 shall not operate if:

(a) The survivor is, or upon filing application, would be entitled to a monthly benefit with respect to the death of an insured individual for a month prior to January 1947, if such monthly benefit is greater in amount than the survivor annuity payable to such survivor after 1946 under the Railroad Retirement Act; or

(b) The residual lump-sum payment provided by section 5 (f) (2) of the Railroad Retirement Act with respect to the death of an insured individual is paid by the Railroad Retirement Board in accordance with the provisions of said section 5 (f) (2) and pursuant to an irrevocable election filed with board by the widow or parent of such individual to waive all annuities to which such widow or parent might otherwise become entitled, but only to the extent that widow's or parent's benefits may be payable under the regulation of this part to such widow or parent, as the case may be, solely on the basis of the wages and self-employment income of such deceased individual and without regard to any compensation which may be treated as wages pursuant to § 404.1408.

§ 404.1408 *Compensation to be treated as wages.* Where, pursuant to the preceding provisions of this subpart, services rendered by an individual in the railroad industry are considered to be in "employment" as defined in section 210 of the act, any compensation received by such individual for such service shall be treated as wages, provided the provisions of § 404.1406 do not operate to bar the payment of benefits under title II of the act; except that where war-service wages for any month are credited to the wage record of the World War II veteran (see § 404.1321 (a)) under § 404.1305 or where wages are credited to a veteran as defined in § 404.1359, under § 404.1351, compensation is attributable as having been paid during such month on account of military service creditable under section 4 of the Railroad Retirement Act. As used in this part, the term "compensation" shall have the meaning assigned to it by section 1 (h) of the Railroad Retirement Act.

§ 404.1409 *Purposes of using compensation.* Compensation which is treated as wages under § 404.1408 shall be used, together with wages (see Subpart K of this part) and self-employment income (see Subpart K of this part) for purposes of determining an individual's insured status (see Subpart B of this part), computing such individual's primary insurance amount (see Subpart C of this part) and applying the deduction provisions of section 203 of the act (see Subpart E of this part)

§ 404.1410 *Presumption on basis of certified compensation record.* Where the Railroad Retirement Board certifies to the Administration a report of record of compensation, which is treated as wages under § 404.1408, and periods of service which does not identify the months or quarters in which such compensation was paid, the sum of the compensation quarters of coverage (see § 404.1412) will be presumed, in the absence of evidence to the contrary, to represent an equivalent number of quarters of coverage (see §§ 404.103 and 404.104) No more than four quarters of coverage shall be credited to an individual in a single calendar year. However, if such individual also had self-employment income for a taxable year and the sum of such income and wages (including compensation which is treated as wages under § 404.1408) paid to him during such taxable year equals $3,600, each quarter any part of which falls in such year shall be a quarter of coverage.

§ 404.1411 *Allocation of compensation to months of service.* If by means of the presumption under § 404.1410:

(a) An individual does not have an insured status (see Subpart B of this part) on the basis of the quarters of coverage with which he is credited; or

(b) A deceased individual's average monthly wage (see § 404.205) may be affected because he attained age 22 after 1936, the Administration will request the Railroad Retirement Board to furnish a report of the months in which such individual rendered services for compensation which is treated as wages under § 404.1408 if it appears that identification of such months may result in an insured status or if it will affect such average monthly wage.

§ 404.1412 *Compensation quarter of coverage.* As used in this subpart, a compensation quarter of coverage is any quarter of coverage computed with respect to compensation paid to an individual for railroad employment after 1936 in accordance with the provisions for determining such quarters of coverage as contained in section 5 ( ) (4) of the Railroad Retirement Act.

(Sec. 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418, 1302)

[SEAL] JOHN W. TRAIBURG,
Commissioner of Social Security.

Approved: December 18, 1953.

OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 53-10667; Filed, Dec. 23, 1953; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

BACITRACIN-NEOMYCIN-POLYMYXIN TABLETS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.421 *Bacitracin-neomycin-polymyxin tablets*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141.403 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(2) *Neomycin content.* Proceed as directed in § 141.410 (a) (1) (ii). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity per tablet that it is represented to contain.

(3) *Polymyxin content.* Proceed as directed in § 141.112 (a) (1) (ii) except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (2) of this paragraph) the quantity of neomycin that would be present when the sample is diluted to contain 100 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a)

2. Part 146 is amended by adding the following new section:

§ 146.421 *Bacitracin-neomycin-polymyxin tablets.* (a) Bacitracin-neomycin-polymyxin tablets conform to all requirements and are subject to all procedures prescribed by § 146.412 for bacitracin-polymyxin tablets, except that:

(1) Each tablet contains not less than 6 milligrams of neomycin. The neomycin used conforms to the requirements prescribed therefor by § 146.410 (a) (2)

(2) In lieu of the labeling prescribed for bacitracin-polymyxin tablets by

§ 146.412 (a) (3) each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin, the number of units of polymyxin B, and the number of milligrams of neomycin in each tablet of the batch.

(3) In addition to complying with the requirements of § 146.412 (a) (4) a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: December 18, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53-10666; Filed, Dec. 23, 1953; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter V—United States Information Agency

PART 502—CERTAIN MEASURES TO FACILITATE THE CIRCULATION ABROAD OF AMERICAN-MADE VISUAL AND AUDITORY EDUCATIONAL MATERIALS

Sec.

AUTHORITY: §§ 502.1 to 502.14 issued under R. S. 161; 5 U. S. C. 22.

§ 502.1 *Background and function of the Attestation program.* (a) On August 1, 1953, the Attestation program was transferred from the Department of State to the U. S. Information Agency, in accordance with Reorganization Plan No. 8.

(b) This program facilitates the circulation abroad of eligible American visual and auditory materials by certification of their international educational character. Certificates issued in consequence of this program are recognized by certain other governments, which accord duty free entry and other privileges to materials covered by them.

(c) Following a policy established in 1938 of assisting in every appropriate way the circulation abroad of American visual and auditory materials, the Department of State in 1942 undertook to certify eligible materials, which had previously suffered a disadvantage abroad for lack of a certification program, and in 1946 established an interdepartmental Committee on Attestation to review material submitted and to recommend eligible materials for certification.

(d) Set forth in §§ 502.3 through 502.7 are the criteria employed by the Committee on Attestation in recommending to the U. S. Information Agency (hereinafter referred to as the Agency) whether materials submitted may appropriately be certified as of international educational character.

§ 502.2 *Functions of the Committee on Attestation.* The Committee on Attestation (hereinafter referred to as the Committee) exercises the following responsibilities in regard to facilitating the circulation abroad of American visual and auditory materials:

(a) The review of motion pictures, kinescopes, filmstrips, slides, wall charts, posters, maps, models, and sound recordings upon request of owners of the rights to reproduce such materials.

(b) The evaluation of such materials from the standpoint of their international application and educational purpose and effect.

(c) The formulation with respect to each subject of a position of the U. S. Information Agency consistent with accepted criteria of evaluation.

(d) The attestation of materials by the issuance of a certificate signed by the Attestation Officer.

§ 502.3 *Criteria.* The Agency acting through the Committee applies the criteria set forth in the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character (adopted at the Third Session, General Conference of UNESCO, Beirut, 1948)

ARTICLE I. Visual and auditory materials shall be deemed to be of an educational, scientific or cultural character:

(a) When their primary purpose or effect is to instruct or inform through the development of a subject or aspect of a subject, or when their content is such as to maintain, increase or diffuse knowledge and augment international understanding and good will;

(b) When the materials are representative, authentic, and accurate; and

(c) When the technical quality is such that it does not interfere with the use made of the material.

§ 502.4 *Interpretation of criteria.* (a) The Agency does not certify materials the primary purpose or effect of which is to amuse or entertain.

(b) The Agency does not certify materials the primary purpose of which is to inform concerning current events (newsreels, newscasts, other forms of "spot news")

(c) The Agency does not certify materials which by special pleading attempt to influence opinion, conviction or policy (religious, economic, or political propaganda) to inculcate any dogma, to constitute a ritual or denominational service.

(d) The Agency does not certify materials the purpose or effect of which is to stimulate the use of a patented process or product, to advertise a particular organization or individual, or to raise funds. The Agency considers that an incidental appeal does not invalidate the educational character of material when such appeal is for service or help in noncompetitive, voluntary, cooperative participation in public services and does not involve contributions of money or marketable commodities.

(e) The Agency does not regard as augmenting international understanding or good will and cannot attest any material which may be perceived to lend itself to misinterpretation or misrepresentation of the United States or other countries, their peoples or institutions.

(f) The Agency does not knowingly certify any materials which have not in fact already been produced at the time of application.

§ 502.5 *Classes of material.* (a) The Committee may be called upon to review the following classes of visual and auditory materials.

(b) Films, filmstrips and microfilm in either negative form, exposed and developed; or positive form, printed and developed; and teletranscriptions and kinescopes.

(c) Sound recordings of all types and forms.

(d) Glass slides; models, static and moving; wall charts, maps and posters.

(e) Recorded music, although not specifically mentioned in the Agreement, may be considered for certification, the Agency recognizing that certain music recordings have as their primary purpose or effect "to instruct or inform" and do otherwise conform to the above requirements. In considering recorded music for which certification is requested, the Committee may be guided by evidence in the recordings or in collateral submitted material, such as teaching guides, etc., which support the educational or informational purpose or effect of the recordings.

§ 502.6 *Consultation.* (a) The Committee in appraising materials submitted will consider their purpose or effect in relation to their intended educational

level. When advisable the Committee will seek professional advice from appropriate officers of government or of national organizations with professional competence in the fields concerned.

(b) In determining matters of policy which the Committee believes require examination by a committee or broader composition, or require consultation with a number of national organizations, these matters may be referred to the Interdepartmental Committee on Visual and Auditory Materials for Distribution Abroad, or for advice to the Joint Advisory Review Committee.

(c) The Committee may in its discretion request any officer of the Federal Government to participate in its decisions with respect to submitted material, provided that the material under consideration is within the area of special competence or responsibility of that officer.

§ 502.7 *Application of criteria.* (a) The Committee has as its general approach to attestation the facilitation, in so far as appropriate, of circulation abroad of American-owned visual and auditory materials. However, the Committee will exercise its judgment in determining whether the content of the material is of sufficient substance to maintain, increase or diffuse knowledge of the subject it covers, at the intended educational level.

(b) The Committee will avoid the certification of classes of materials which it believes this country would be unwilling to admit free of duty under the terms of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character.

§ 502.8 *Method of requesting certification.* Application for certification of the international educational character of visual and auditory material must be made to the Agency by the American owner of the right to reproduce it. Application is made on Forms IAP 1, IAP 2, IAP 3, IAP 4, and DSP 47. A form should be executed for each subject or series it is desired to have considered for certification. As a part of the application, the following should also be submitted.

(a) *Notarized document.* Notarized document in evidence of applicant's ownership of the right to reproduce the material. One such affidavit may cover all the titles for which application is made at a given time, provided they are mentioned in it.

(b) *Description of content of productions.* Action will be facilitated if narrations, captions, advertising leaflets, catalogues, etc., are furnished.

(c) *Examples of production.* Examples of productions if the Agency has not had the opportunity of seeing the material concerned. Screening print of film, representative selections of slides, filmstrips, recordings, maps, wall charts or posters, should be transmitted carriage prepaid. Such material will be returned promptly.

§ 502.9 *Certification not required for exportation of materials from the United States or for importation into other countries.* This Agency's attestation of the international educational character of material is not required for its distribution abroad. Lack of a certificate does not prevent any producer from exporting uncertified material as he may see fit. Its certificates may, however, procure for attested materials exemptions from customs duties and some other taxes, when filed in connection with their entry into certain foreign countries, Canada among them.

§ 502.10 *Certain governments recognizing certificates or finding them helpful in establishing the educational character of imported materials.* (a) The following are among the governments reported as recognizing the certificates outright or finding them helpful in making local determination of the educational character of materials covered:

Australia, Bermuda, Canada, Ceylon, Columbia, Costa Rica, Dominican Republic, Dutch Guiana, Formosa, Gibraltar, Gold Coast, Guatemala, Israel, Liberia, Malta, New Zealand, Nicaragua, Nigeria, Panama, South Rhodesia, Tunisia, Turkey, Uruguay.

(b) Certain countries also have signed and ratified the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character which provides for the recognition of certified visual and auditory materials.

(1) This agreement has been ratified by the following countries:

Cambodia, Canada, El Salvador, Iraq, Norway, Pakistan, Philippines, Syria, Yugoslavia.

(2) In addition the following countries have signed but have not yet ratified:

Afghanistan, Brazil, Denmark, Dominican Republic, Ecuador, Greece, Haiti, Iran, Lebanon, Netherlands, United States of America, Uruguay.

(3) One more ratification is required to bring the Agreement into effect among those countries that have ratified.

§ 502.11 *Simplified procedure for the duty free return to a United States Exporter of films and filmstrips made in the United States and exported temporarily on a rental or loan basis.* Bureau of Customs Circular Letter No. 2859 dated September 8, 1953, outlines a simplified procedure for the return of films made in the United States and not exceeding $250 in value, when returned to the sender in this country through postal channels from loan or rental abroad, and the means by which they may be permitted duty-free entry. The procedure permits the customs clearance of such shipments merely upon the enclosure therewith of customs Form 3311, signed by the United States exporter (who must also be the importer) and including the following statement under "Remarks": "It is requested that all other forms required by section 10.1 of the regulations be waived. These films contain no obscene or immoral matter, nor any matter advocating or urging treason or insurrection against the United States or forcible resistance to any law of the United States, nor any threat to take the life of or inflict bodily harm upon any person in the United States."

§ 502.12 *Motion picture and filmstrip catalogue.* For circulation abroad, the Agency compiles and publishes a catalogue entitled *United States Educational, Scientific and Cultural Motion Pictures and Filmstrips Suitable and Available for Use Abroad.* It is the purpose of this catalogue to facilitate the circulation abroad of available American-made films and filmstrips approved by an advisory board of American visual education specialists, by listing and describing the materials and indicating from whom and on what terms prints may be obtained.

(a) *Classes of films and filmstrips to be considered for listing.* Educational, scientific and cultural motion pictures and filmstrips, approved by the Board of Advisers, which the owners of the reproduction rights are willing to make available by sale (on receipt of acceptable purchase order from abroad) or on loan or by gift to legitimately interested reputable organizations abroad. Films and filmstrips depicting life in other countries are customarily not included.

(b) *Submittal of information.* Catalogues or lists, or other printed matter, descriptive of available materials should be submitted to the Agency by the owner of reproduction rights. After study of this information and consultation with advisers, forms will be sent to the owners of reproduction rights, requesting any additional data needed concerning films and filmstrips considered to be within the categories of materials which may properly be included in the catalogue. From the information obtained, draft entries will be prepared for approval by the aforesaid owners.

(c) *Distribution.* Copies of the catalogue are distributed abroad through United States Information Centers and are presented to outstanding educational, scientific and cultural institutions abroad. They are not intended for domestic circulation (within the United States)

(d) *Orders and inquiries from abroad.* All inquiries about materials listed in the catalogue should be addressed to the owners of the reproduction rights whose names, addresses and conditions of sale, loan or gift of materials are given in the catalogue. No correspondence or orders are transmitted through the Agency.

§ 502.13 *Explanation of the UNESCO film coupon.* Producers and distributors of educational films encountering currency difficulties in arranging for sales of films, filmstrips and projection equipment abroad, may find assistance in overcoming these difficulties through the UNESCO Coupon. The coupon permits institutions and individuals in "soft currency" countries to buy films and filmstrips and related materials for educational, scientific and cultural purposes from suppliers in "hard currency" countries. In the case of the United States, producers may redeem coupons received in payment for their materials at the UNESCO Liaison Office, United Nations Building, New York City, or the UNESCO Coupon Office, 19 Avenue Kleber, Paris. UNESCO redeems the full amount of the coupons in U. S. dollars, less five percent for handling charges with the approval of the dis-

tributors. Folders describing the UNESCO Coupon are available.

§ 502.14 *Inquiries.* Requests for application forms and further information about facilitating the circulation abroad of American visual and auditory materials by the means outlined above, may be obtained from:

U. S. Information Agency, attention: (COA-REV), Washington 25, D. C.

Issued: December 17, 1953.

ABBOTT WASHBURN,
Acting Director.

[F. R. Doc. 53-10614; Filed, Dec. 23, 1953; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

INSURANCE RESERVE

Section 201.12 (e) is hereby amended to read as follows:

(e) *Adjustment of 1950 reserve.* The amount of the 1950 insurance reserve to the credit of each insured shall be adjusted on January 1, 1953, and on the first day of each semiannual period thereafter by deducting therefrom an amount equivalent to one-fifth of the amount of such insurance reserve on the records of the Commissioner as of the date of such adjustment: *Provided,* That no such adjustment shall reduce the insurance reserve of any insured to an amount less than $5,000.00: *And provided further* That no such adjustment shall be made in the insurance reserve of any financial institution until the first day of January or the first day of July next following the expiration of a period of 30 months after the issuance of a Contract of Insurance to such institution by the Commissioner, and no such adjustment shall be made in the insurance reserve of any financial institution after the termination of the Contract of Insurance issued to such institution by the Commissioner, or after the termination of the Commissioner's authority to insure against losses pursuant to section 2 of Title I of the National Housing Act.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703)

Issued at Washington, D. C., December 18, 1953.

[SEAL] GUY T. O. HOLLYDAY,
Federal Housing Commissioner

[F. R. Doc. 53-10659; Filed, Dec. 23, 1953; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

TRANSPORTATION

In § 562.66, paragraph (a) (2) (i) is amended to read as follows:

§ 562.66 *Transportation*—(a) *Transportation authority.* * * *

(2) In exceptional circumstances, continental army and oversea commanders may:

(i) Authorize a student to proceed to the camp designated for his unit from his legal residence when the distance from such residence to the camp is greater than from the institution to the camp. This authorization will be given only to students whose institutions close so early in the year as to make it impracticable for them to proceed direct from the institution to the camp, and will apply only when both school and legal residence are located within continental limits of United States; territorial limits of Hawaii; territorial limits of Alaska, or territorial limits of Puerto Rico. When army or oversea commanders deem it necessary to order ROTC students to camp within the United States when both the legal residence and institution attended are situated in Puerto Rico, Alaska, or Hawaii, transocean travel by Government transportation (air or water) on a space required basis will be secured for students. If such transportation is not available, the army or oversea commanders will request Department of the Army approval for travel by commercial carrier and provision for any additional funds required. If orders are issued while he is at the institution, he shall be returned to the institution.

* * * * *

[C3, SR 145-30-1, December 4, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 39 Stat. 191, as amended, sec. 34, 44 Stat. 778; 10 U. S. C. 354, 381-388, 441)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-10683; Filed, Dec. 23, 1953; 8:51 a. m.]

Chapter XI—Division of Liquidation, Department of Commerce

[Supp. Order 189, Amdt. 7]

PART 1305—ADMINISTRATION

PRESERVATION OF RECORDS

DECEMBER 17, 1953.

Pursuant to the Emergency Price Control Act of 1942, as amended, Executive Orders Nos. 9809, 9841, and 9842, and Department of Commerce Order 75, as amended, it is hereby ordered that section 1 of Supplementary Order 189 issued by the Administrator, Office of Price Administration, on October 23, 1946 (11 F. R. 12568) as amended on November 12, 1946 (11 F. R. 13442), November 6, 1947 (12 F. R. 7327), February 20, 1948 (13 F. R. 1262), June 30, 1949 (14 F. R. 3707) December 27, 1951 (17 F. R. 18), and December 11, 1952 (18 F. R. 33), be, and it is hereby, further amended by changing the date January 1, 1954, wherever it occurs in subsection (a) of the said section 1, to January 1, 1955.

(56 Stat. 23, as amended; 50 U. S. C. App. 901 et seq., E. O. 9809, Dec. 12, 1946, 3 CFR, 1946 Supp., E. O. 9841, April 23, 1947, 3 CFR, 1947 Supp., E. O. 9842, April 23, 1947, 3 CFR, 1947 Supp.)

This amendment shall become effective January 1, 1954.

TRUE D. MORSE,
Acting Secretary of Agriculture.
KENTON R. CRAVENS,
Administrator,
Reconstruction Finance Corporation.
LEO NIELSEN,
Secretary,
Reconstruction Finance Corporation.
[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

Approved:

HERBERT BROWNELL, Jr.,
Attorney General,
Department of Justice.

[F. R. Doc. 53-10701; Filed, Dec. 22, 1953; 12:36 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN AND CONNECTING WATERS IN VICINITY OF MYRTLE ISLAND, VIRGINIA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.48 establishing and governing the use and navigation of a danger zone in the waters of the Atlantic Ocean, South Bay and connecting waters, is hereby modified to include an additional water area, as follows:

§ 204.48 *Atlantic Ocean and connecting waters in vicinity of Myrtle Island, Va., Air Force practice bombing, rocket firing, and gunnery range*—(a) *The danger zone.* The waters of the Atlantic Ocean and connecting waters within an area described as follows: Beginning at latitude 37°12'18", longitude 75°46'00", thence southwesterly to latitude 37°08' 21" longitude 75°50'00"; thence northwesterly along the arc of a circle having a radius of three nautical miles and centered at latitude 37°11'16", longitude 75°49'29", to latitude 37°10'14", longitude 75°52'57"; thence northeasterly to latitude 37°14'30", longitude 75°48'32"; thence southeasterly to 37°13'38", longitude 75°46'18" and thence southeasterly to the point of beginning.

(b) *The regulations.* (1) No vessel shall enter or remain in the danger zone except during intervals specified and publicized from time to time in local newspapers or by radio announcement.

(2) This section shall be enforced by the Commanding General, Tactical Air Command, Langley Air Force Base, Virginia, and such agencies as he may designate.

[Regs., December 2, 1953, 800.2121–ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53–10682; Filed, Dec. 23, 1953; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1868]

PART 234—RECLAMATION OF ARID LANDS IN NEVADA

DEVELOPMENT AND UTILIZATION OF SUBTERRANEAN WATERS FOR IRRIGATION PURPOSES

Section 234.11 is amended to read as follows:

§ 234.11 *Disposal of permit lands, after patent.* On the issuance of patent, the remaining area within the limits of the land embraced in the permit will thereafter be subject to classification and disposition under section 7 of the act of June 28, 1934 (48 Stat. 1272) as amended by the act of June 26, 1936 (49 Stat. 1976; 43 USC 315f)

(Sec. 9, 41 Stat. 295; 43 U. S. C. 360)

DOUGLAS MCKAY,
Secretary of the Interior.

DECEMBER 17, 1953.

[F. R. Doc. 53–10653; Filed, Dec. 23, 1953; 8:46 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter C—Real Property Management

PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART A—GENERAL REGULATIONS

EDITORIAL NOTE: The regulations in §§ 100.1–100.12 (18 F R. 8621) are assigned to Subpart A—General Regulations of this part.

PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

PENTAGON AREA TRAFFIC AND PARKING REGULATIONS

Sec.
100.21 Vehicular parking.
100.22 Pedestrian traffic.
100.23 Penalties.

AUTHORITY: §§ 100.21 to 100.23 issued under sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a.

§ 100.21 *Vehicular parking.* The regulations in this section for the Pentagon area are applicable 7:30 a. m. to 6:00 p. m. on regular work days, Monday through Saturday, 7:30 a. m. to 1:00 p. m. on holidays, except that in addition, directions by police officers on duty will apply at all times.

(a) No person shall operate or park a motor vehicle in the parking areas of or on the roads adjacent to the Pentagon contrary to these regulations or to the directions of police officers on duty or to the directions of posted signs.

(b) Park only in assigned section or space. Parking permit must be conspicuously displayed inside front windshield. When and if assigned section is filled, park in unreserved parking section in the North Parking Area, and report the situation to your parking control office. Motorcycles, motor bicycles, motor scooters, and all similar type motor vehicles shall be parked in Lane 19 only and no parking permit will be required.

(c) Bona fide occupants of the Pentagon who have no parking assignment within the reserved section shall park in the unreserved section.

(d) Newly assigned personnel shall park in the unreserved section. Application for a permanent parking permit shall be presented to departmental parking control officer.

(e) Personnel assigned to the Pentagon on temporary duty shall park in the unreserved section.

(f) Vehicles shall be parked well inside the marked parking spaces. Parking in areas other than designated parking spaces and parking in parking lanes at tree wells or in such a manner as to block or partially block such lanes is prohibited at all times.

(g) No vehicle shall be parked or operated in bus lanes except as follows:

(1) Authorized transit busses in Lanes "A" and "B"

(2) Authorized official shuttle busses in Lane "C"

(3) Taxis in Lane "C"

(4) Commercial and official vehicles authorized to make delivery to concessionaires and post office while loading and unloading at specially designated platforms in Lane "C"

(h) No vehicle shall be parked in interior roads except as follows:

(1) Commercial vehicles, either official or private, while unloading and loading authorized supplies.

(2) Official cars transporting prisoners under guard.

(3) Other specially authorized vehicles.

(i) Visitors shall park only in visitors' space as follows:

(1) South Parking—Three-hour parking only.[1] Special spaces designated by posted signs.

(2) North Parking—Unreserved section.

(3) Mall and River Terraces—Designated parking spaces. At the Mall and River Terraces a number of parking spaces are reserved for the exclusive use of Congressional, diplomatic, official, and press representatives. Spaces are also available for certain other visitors not to exceed a two-hour limit,[1] and parking shall be requested of the guard on duty.

§ 100.22 *Pedestrian traffic.* Pedestrians shall not walk in roadways in and immediately outside the bus terminals, walk on the curb alongside stairways in bus lanes, or walk in other areas prohibited by the direction of posted signs.

§ 100.23 *Penalties.* Whoever shall be found guilty of violating these regulations shall be fined not more than $50.00 or imprisoned for not more than thirty days, or both.

Approved: December 1, 1953.

WILLIAM A. MILLER,
Regional Director.

[F. R. Doc. 53–10711; Filed, Dec. 23, 1953; 8:52 a. m.]

[1] Only non-occupants of the Pentagon are recognized as bona fide visitors.

PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

SUITLAND RESERVATION TRAFFIC AND PARKING REGULATIONS

Sec.
100.25 Vehicular parking.
100.26 Pedestrian traffic.
100.27 Penalties.

AUTHORITY: §§ 100.25 to 100.27 issued under sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a.

§ 100.25 *Vehicular parking.* The regulations in this section for the Suitland Reservation are applicable 7:30 a. m. to 5:30 p. m., on regular work days, Monday through Friday, except that in addition, directions by police officers on duty will apply at all times:

(a) No person shall operate or park a motor vehicle on the grounds or roadways of the Suitland Reservation contrary to these regulations or to the directions of police officers on duty or to the directions of posted signs.

(b) Park only in assigned section or space. Parking permits must be conspicuously displayed inside front windshield. When and if assigned space is filled, park in unreserved area and report the situation to your parking control officer. Motorcycles, motor bicycles, motor scooters, and all similar type motor vehicles shall be parked in Area "A" and no parking permits will be required.

(c) Newly assigned personnel shall park in Visitor's Area. Application for a permanent parking permit shall be presented to parking control officers.

(d) Vehicles shall be parked well inside the marked parking spaces.

(e) Visitors shall park only in Visitor's Area. Only non-occupants on official business to the Suitland Reservation are recognized as bona fide visitors.

(f) Vehicles entering the area for the purpose of loading or unloading passengers, will do so only at places designated as loading places or at the direction of police officers on duty.

(g) The operation of vehicles will be permitted only on recognized roadways or parking areas.

(h) The riding of horses will be permitted only on bridle paths.

§ 100.26 *Pedestrian traffic.* Pedestrians shall not walk in areas prohibited by direction of posted signs or contrary to directions of police officers on duty.

§ 100.27 *Penalties.* Whoever shall be found guilty of violating these regulations shall be fined not more than $50.00 or imprisoned for not more than thirty days, or both.

Approved: December 1, 1953.

WILLIAM A. MILLER,
Regional Director

[F. R. Doc. 53-10713; Filed, Dec. 23, 1953; 8:52 a. m.]

PART 100—PUBLIC BUILDINGS AND GROUND

SUBPART B—SUPPLEMENTAL REGULATIONS

BUREAU OF YARDS AND DOCKS ANNEX AREA TRAFFIC AND PARKING REGULATIONS

Sec.
100.31 Vehicular parking.
100.32 Pedestrian traffic.
100.33 Penalties.

AUTHORITY: §§ 100.31 to 100.33 issued under sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a.

§ 100.31 *Vehicular parking.* The regulations in this section for the Bureau of Yards and Docks Annex Area are applicable 7:30 a. m. to 5:00 p. m., on regular work days, Monday through Friday, except that in addition, directions by police officers on duty will apply at all times.

(a) No person shall operate or park a motor vehicle in the parking areas of or on the roads adjacent to the Bureau of Yards and Docks Annex contrary to these regulations or to the directions of police officers on duty or to the directions of posted signs.

(b) Park only in assigned section or space. Parking permits must be conspicuously displayed inside the front windshield. When and if assigned space is filled, park in Area "C" and report the situation to your parking supervisors. Motorcycles, motor bicycles, motor scooters, and all similar type motor vehicles shall be parked in Visitor's Area or "C" Area and no parking permits will be required.

(c) Newly assigned and temporarily employed personnel shall park in "C" Area. Application for a permanent parking permit shall be presented to parking supervisor.

(d) In Area "A", Area "C" and Visitor's Area park well inside the marked parking spaces.

(e) Visitors shall park only in Visitor's Area. Only non-occupants on official business at the Bureau of Yards and Docks Annex, are recognized as bona fide visitors.

(f) Taxis shall park in the established taxi stands (limited to three vehicles) located on the access road in front of the building. Parking of all other vehicles is prohibited within these three spaces.

§ 100.32 *Pedestrian traffic.* Pedestrians shall not walk in areas prohibited by direction of posted signs or contrary to directions of police officers on duty.

§ 100.33 *Penalties.* Whoever shall be found guilty of violating these regulations shall be fined not more than $50.00 or imprisoned for not more than thirty days, or both.

Approved: December 1, 1953.

WILLIAM A. MILLER,
Regional Director

[F. R. Doc. 53-10712; Filed, Dec. 23, 1953; 8:52 a. m.]

PART 100—BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

USE OF DEPARTMENTAL AUDITORIUM AND ADJACENT CONFERENCE ROOMS

§ 100.35 *Use of Departmental Auditorium and adjacent conference rooms.* This section governs the use of the Departmental Auditorium and adjacent conference rooms, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C.

(a) The Departmental Auditorium and Conference Rooms A, B, and C adjacent thereto shall be available for assignment to:

(1) Agencies of the Federal Government and the government of the District of Columbia, for official use.

(2) Officially recognized agencies, clubs, or educational units of the Federal Government or the government of the District of Columbia.

The foregoing shall not be construed to include sponsored meetings, meetings of a political, sectarian, fraternal, or similar nature, or meetings held for the purpose of promotion of commercial enterprises or commodities.

(b) Application for the use of the Auditorium or Conference Rooms should be submitted at least one week in advance. It should be addressed as follows and include the information outlined below:

General Services Administration, Region 3, Attention: Triangle Area Manager, Room 1408, New Post Office Building, Twelfth Street and Pennsylvania Avenue NW., Washington 25, D. C.

a. Name of agency in whose behalf the application is submitted.

b. Date of requested assignment, and hours proposed for its commencement and termination.

c. Nature of the contemplated program.

d. Approximate number of persons expected to attend.

e. Whether motion pictures or lantern slides are to be exhibited, stating (1) size of film, 35 or 16 mm; (2) size of lantern slide.

(c) No program shall continue beyond midnight.

(d) If the projection of motion pictures or lantern slides is a part of the program, competent operators will be furnished under the supervision of the General Services Administration.

(e) Music racks, ushers, and attendants for checking wraps, if needed, must be furnished by and at the expense of the permittee.

(f) No admission fee shall be charged, no indirect assessment shall be made for admission, and no collection shall be taken. Commercial advertising or the sale of articles of any character will not be permitted.

(g) The serving of refreshments is prohibited.

(h) A sample of any literature or folders to be distributed or posted shall be forwarded for review when formal request is made for either the Auditorium or Conference Rooms.

(i) All persons attending meetings will be required to go directly to the Auditorium or Conference Rooms and to leave by the most direct exit. They shall be provided with tickets or other identification, except when the general public is invited. No one will be admitted to other parts of the building unless in the possession of a properly signed pass.

(j) All persons attending meetings will be subject to the "Rules and Regulations Governing Public Buildings and Grounds," promulgated by the Administrator of General Services.

(k) Smoking is prohibited within the Auditorium.

(Sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a)

Approved: December 1, 1953.

WILLIAM A. MILLER,
Regional Director

[F. R. Doc. 53-10714; Filed, Dec. 23, 1953, 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

RAILWAY LESSOR COMPANY ANNUAL REPORT FORM E

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of December A. D. 1953.

The Matter of Annual Reports from Lessors to Steam Railways being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessary;

It is ordered, That the order of December 10, 1952, In the Matter of Annual Reports from Lessors to Steam Railway Companies (49 CFR 120.14) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 120.14 *Form prescribed for lessors to steam railways.* All lessors to steam railway companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, shall file under

oath an annual report for the year ended December 31, 1953, and for each succeeding year until further order, in accordance with Annual Report Form E[1] (Railway Lessor Companies) which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10678; Filed, Dec. 23, 1953; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR Part 301]

PINK BOLLWORM

PROPOSED EXTENSION OF REGULATED AREA TO ARKANSAS

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161) that the Secretary of Agriculture has information that the pink bollworm (Pectinophora gossypiella Saund.) a dangerous insect not heretofore widely prevalent or distributed within or throughout the United States, but which previously has been found to exist in certain parts of Arizona, Louisiana, New Mexico, Oklahoma, and Texas, has recently been discovered in certain parts of the State of Arkansas.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to amend the Pink Bollworm Quarantine (7 CFR 301.52; 18 F. R. 6348) to quarantine the State of Arkansas because of pink bollworm and to amend the regulations supplemental to said quarantine (7 CFR and Supp. 301.52–1 et seq., as amended, 18 F R. 6348 and 7339) to designate as regulated areas the Arkansas counties of Hempstead and Miller and possibly the counties of Columbia, Howard, Lafayette, Little River, Nevada, and Sevier. Prohibitions and restrictions as prescribed in said regulations would thus be made applicable to the movement from such regulated areas in the State of Arkansas into or through any other State, Territory, or District of the United States of the following:

(a) Okra and kenaf, including all parts of the plants; (b) cotton and wild cotton, including all parts of both cotton and wild cotton plants, seed cotton, cotton lint, linters, lint waste products derived from the milling of cottonseed, nonlint oil mill trash, gin waste, gin trash, and all other forms of unmanufactured cotton fiber, cottonseed, cottonseed hulls, cottonseed cake, and cottonseed meal; (c) bagging and other containers and wrappers for cotton and cotton products; (d) railway cars, boats, and other means of transportation which have been used in conveying regulated cotton or cotton products or which are fouled therewith; and (e) when contaminated with live pink bollworms or regulated cotton or cotton products, any commodities, including farm products, farm household goods, and farm equipment.

A public hearing will be held before a representative of the Agricultural Research Service in Room 304, Federal Building, Memphis, Tennessee, at 10 a. m., January 14, 1954, at which hearing any interested party may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Administrator of the Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., on or before January 14, 1954, or with the presiding officer at the hearing.

Done at Washington, D. C., this 18th day of December 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53-10669; Filed, Dec. 23, 1953; 8:49 a. m.]

[1] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 10816]

EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 63 of the Commission's rules and regulations governing extension of lines and discontinuance of service by carriers; Docket No. 10816.

1. American Communications Association, a union representing certain employees of The Western Union Telegraph Company, has filed a petition with the Commission alleging that the Commission's current rules fail to require any sort of effective notice to the public of applications filed by communications common carriers, pursuant to section 214 of the Communications Act of 1934, as amended, for authority to close branch telegraph offices. The union further alleges that a hearing is necessary in cases where objection is made to applications for authority to close or reduce the hours of service at telegraph offices in order to provide, in a form most useful to the Commission, the facts upon which the public convenience and interest best can be judged.

2. The petitioner requests, therefore, that the folowing changes be made in Part 63 of the Commission's rules and regulations:

1. Section 63.90 (a) to be amended to add thereto the following sentence: "When the office affected shall have window space fronting on a public street, said public notice shall be posted in such window."

2. Section 63.90 (b) to be amended to strike therefrom all matters appearing after the words "of the community affected."

3. Section 63.90 to be amended to add thereto a new paragraph after paragraph (b) to be numbered paragraph (c) and to read as follows:

(c) Immediately upon the filing of an application or informal request (except a request under § 63.67, § 63.68 or § 63.69) affecting a telegraph office or a branch office, the applicant shall mail or deliver by messenger a notification containing information similar to that specified in paragraph (a) of this section to each telegraph user served by messenger callbox circuit, or tieline terminating at the office or branch office affected, and to each person to whom a telegram is delivered by messenger from said office or branch office during the 20 days following the making of such application.

4. A new section to be added to Part 63 of the rules to be numbered § 63.100 and to provide as follows:

Whenever an application is filed to discontinue, reduce or impair telegraph service, pursuant to § 63.62 and wherever, within twenty days of the filing of the application, posting of the notice as required by § 63.90 (a) or mail or delivery of the notice as provided in § 63.90 (c) (whichever shall be later) objection to the proposed action by the carrier shall be received by the Commission, the Commission shall, on ten days notice to the carrier, to the objecting person or persons and to the Public Service Commission of the state in which any discontinuance, reduction or impairment is proposed, hold a hearing upon the said application, pursuant to § 1.802 et seq. of this chapter.

3. This notice of proposed rule making is being issued to afford interested parties an opportunity to present their views to the Commission concerning the proposal advanced by American Communications Association.

4. The proposed amendments are issued pursuant to the authority of sec-

tions 4 (i) and 214 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted should file with the Commission on or before February 1, 1954, a written statement or brief setting forth his comments. Persons desiring to support the amendments may also file comments by the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing said original briefs or comments. An original and 14 copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: December 17, 1953.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10687; Filed, Dec. 23, 1953; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Alaska Road Commission

[Public Order 4]

KENAI, ALASKA

ABANDONMENT OF ROAD AND DOCK

DECEMBER 15, 1953.

Pursuant to authority vested in me by the Secretary of the Interior by Department of the Interior Order No. 2448, dated July 19, 1948, approved by the President July 20, 1948, I find it to be in the public interest and hereby declare the abandonment of that certain temporary finger dock adjacent to real property owned by Kenai Packers, together with that area known as the tank farm site, also that certain road located in Lots 1, 2, and 6 in Section 5, T5N, R11W Seward Meridian, beginning at its junction with the Kenai Spur of the Sterling Highway, thence traversing the lots mentioned above to its terminus near the aforementioned temporary finger dock.

A complete file on this matter is located in the Real Estate records of the Alaska Road Commission, Department of the Interior, Juneau, Alaska.

M. W BALES,
Chief, Administrative Division, Alaska Road Commission.

[F. R. Doc. 53-10680; Filed, Dec. 23, 1953; 8:51 a. m.]

Bureau of Land Management

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO 44, WYOMING NO. 8, ENLARGED

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300) as amended by the act of January 29, 1929 (45 Stat. 1144; 43 U. S. C. 300) and in section 7 of the act of June 28, 1934 (48 Stat. 1272) as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f) and pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F R. 5639) it is ordered as follows:

The following described public land in Wyoming is hereby classified as necessary and suitable for stock driveway and stock watering purposes and, excepting any mineral deposits therein, is withdrawn from all disposal under the public land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to Stock Driveway Withdrawal No. 44, Wyoming No. 8:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 102 W.,
Sec. 1. Lots 3 and 4.

The area described aggregates 52.36 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

W B. WALLACE,
Regional Administrator.

[F. R. Doc. 53-10647; Filed, Dec. 23, 1953; 8:45 a. m.]

WYOMING

NOTICE FOR FILING OBJECTIONS TO ENLARGEMENT OF STOCK DRIVEWAY WITHDRAWAL NO. 44, WYOMING NO. 8

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

W B. WALLACE,
Regional Administrator

[F. R. Doc. 53-10648; Filed, Dec. 23, 1953; 8:45 a. m.]

[Montana 02275]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g) the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 24 N., R. 36 E.,
Sec. 34: SE¼, 35: SW¼.
T. 24 N., R. 39 E.,
Sec. 8: S½NE¼, 9: SW¼NW¼.

The area described aggregates 440 acres.

This land is rolling to broken. The soils are clay in the rough breaks and sandy and gravelly on the ridges. The vegetative covering consists chiefly of threadleaf sedge, needle and thread grass, and bluestem wheatgrass. The lands are classified as primarily suited for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as suitable or valuable for such type of application, or shall be classified upon consideration of application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement

rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to Montana Land Office, Billings, Montana.

W B. WALLACE,
Regional Administrator.

[F. R. Doc. 53-10649; Filed, Dec. 23, 1953; 8:45 a. m.]

[Great Falls 087188]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g) the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 29 N., R. 33 E.
Sec. 15: W½NE¼, NW¼SE¼, NE¼SW¼.

The area described aggregates 160 acres.

The topography of the land is rolling to rough, and the vegetative covering consists principally of sagebrush, western wheatgrass and grama grass. The soil is heavy clay, which, together with the rough topography, precludes cultivation of the land. The land is primarily suitable for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert land, or other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. It is unlikely that the lands will be classified for homestead, small tract, or desert land use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the land office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Billings, Montana.

W. B. WALLACE,
Regional Administrator.

[F. R. Doc. 53-10650; Filed, Dec. 23, 1953; 8:45 a. m.]

[Wyoming 06062]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 68 W.,
Sec. 24: N½S½, SE¼SE¼.

The area described aggregates 200 acres.

These lands are rolling to rough in topography, and the soils are stony to sandy loam. The vegetative covering consists chiefly of grass with scattered pine and juniper.

This land was acquired by the Federal Government through exchange for use and development by the Bureau of Reclamation to benefit a Federal land program. This restoration is therefore not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and others.

W B. WALLACE,
Regional Administrator

[F. R. Doc. 53–10651; Filed, Dec. 23, 1953; 8:45 a. m.]

WYOMING

AIR NAVIGATION SITE WITHDRAWAL NO. 211, REDUCED

In accordance with the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214) and pursuant to section 2.22 (a) of the Delegation Order No. 427 of August 16, 1950 (15 F R. 5641) it is ordered as follows:

Departmental order of September 27, 1935, withdrawing certain lands in Wyoming for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following described lands, and the lands are hereby opened to disposition under the applicable public land laws, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 116 W.,
Sec. 10: Lots 1, 2, 3, 8, 9, 10, 11, NE¼NE¼,
Sec. 11. Lot 14.

The area described aggregates 226.58 acres.

The topography of the land is rough to mountainous, which precludes sustained crop production. The land is primarily suitable for grazing purposes. It will not be subject to occupancy or disposition under the homestead, desert land, small tract, or any other nonmineral public land laws until it has been classified.

This order shall become effective immediately as to administration of grazing on this land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Cheyenne Land and Survey Office, Bureau of Land Management, Cheyenne, Wyoming.

W B. WALLACE,
Regional Administrator

[F. R. Doc. 53–10652; Filed, Dec. 23, 1953; 8:45 a. m.]

MONTANA

RESTORATION ORDER UNDER FEDERAL POWER ACT; POWER PROJECT NO. 653

Pursuant to determination DA–114, Montana, of the Federal Power Commission issued July 10, 1953, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F R. 5641) it is ordered as follows:

Subject to valid existing rights (and the provisions of existing withdrawals) the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to the status of public domain under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, and subject to the reservation and stipulation of the right of the United States, its permittees or licensees to use the land for power purposes, that no use shall be made by others which will in any way interfere or be inconsistent with the use of the land by the United States, its permittees, or licensees for power purposes; that any structures, machinery, or improvements placed thereon which shall be found to interfere with power development shall be removed or relocated as may be necessary to eliminate interference with such development, without expense to the United States, its permittees or licensees and that the United States, its permittees or licensees shall not be held liable for any damage to structures, machinery, or improvements placed thereon resulting from construction, operation, or maintenance of hydroelectric power facilities authorized by the United States.

MONTANA PRINCIPAL MERIDIAN

T. 2 S., R. 3 W.
Sec. 18: that portion of Lot 3 within the right-of-way location in Project No. 653.

The area described aggregates a fractional part of one (1) acre.

The land is rolling to steep in topography, and lies in the canyon of South Boulder River within the Deerlodge National Forest. None of the land is suitable for agricultural use.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Applications filed involving any or all of these lands must describe the land in accordance with the most recent approved plat of survey.

The land described shall be subject to application by the State of Montana for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for a right of way for public highways or a source of materials for the construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended and the stipulations herein provided.

This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after date of the publication of this order in the FEDERAL REGISTER. At that time, the land shall be subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (50 Stat. 747; 43 U. S. C. 279–284) as amended.

W B. WALLACE,
Regional Administrator

[F. R. Doc. 53–10646; Filed, Dec. 23, 1953; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F R. 3818)

Angelica Uniform Co., Eminence, Mo., effective 12–9–53 to 6–8–54; 35 learners for expansion purposes (women's service apparel).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N. C., effective 12–13–53 to 12–12–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Calloway Manufacturing Co., Murray, Ky., effective 12-10-53 to 12-9-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work trousers and jackets).

Feldt Manufacturing Co., Inc., P. O. Box 51, Temple, Tex., effective 12-22-53 to 12-21-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Indiana Rayon Corp., Greenfield, Ind., effective 12-11-53 to 6-10-54; 15 learners for expansion purposes (knitted polo shirts) (replacement certificate).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa., effective 12-10-53 to 6-9-54; 10 learners for expansion purposes (slips).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa., effective 12-10-53 to 6-9-54; 10 learners for expansion purposes (slips).

Kinston Shirt Co., Kinston, N. C., effective 12-11-53 to 12-10-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts and pajamas).

Kleeson Co., Moundsville, W. Va., effective 12-18-53 to 12-17-54; 10 learners for normal labor turnover purposes (work pants and semidress pants).

National Pants Co., Macon, Miss., effective 12-9-53 to 12-8-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Over The Top, Inc., Picayune, Miss., effective 12-20-53 to 12-19-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' shirts and dungarees).

Princess Peggy, Inc., Items Division, Belleville, Ill., effective 12-7-53 to 12-6-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton dresses).

Top Notch Manufacturing Co., Inc., 400 South Kansas Street, El Paso, Tex., effective 12-29-53 to 12-28-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls).

The Warner Bros. Co., Moultrie, Ga., effective 12-10-53 to 5-9-54; 25 learners for expansion purposes (corsets and brassieres).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

The S. Frieder & Sons Co., Mill Street and Gardner Avenue, Wilkes-Barre, Pa., effective 12-31-53 to 12-30-54; 10 percent of the total number of factory production workers engaged in each occupation listed below: cigar machine operating, 320 hours; machine stripping, 160 hours; packing cigars retailing for more than 6 cents, 320 hours; cigars retailing for 6 cents or less, 160 hours; each 65 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Ideal Glove Co., Inc., Maben, Miss., effective 12-15-53 to 6-14-54; 25 learners for expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Boyd Lee Hosiery Mills, Inc., 54B Seventh Street SE., Hickory, N. C., effective 12-11-53 to 12-10-54; 5 learners for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866)

Ellwood Knitting Mills, Inc., 911 Lawrence Avenue, Ellwood City, Pa., effective 12-11-53 to 12-10-54; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted outerwear).

Indiana Rayon Corp., Greenfield, Ind., effective 12-11-53 to 6-10-54; 15 learners for expansion purposes (polo shirts).

Taylor Manufacturing Co., Greensburg Road, Campbellsville, Ky., effective 12-10-53 to 6-9-54; 50 learners for expansion purposes (men's and boys' knit underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

B. E. Cole Co., Beal and Lynn Streets, Norway, Maine, effective 12-15-53 to 12-14-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Francine Shoe Co., Norway, Maine, effective 12-15-53 to 12-14-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Rosanne Optical Manufacturing Co., Inc., 430 Carpenter Road, Hato Rey, P. R., effective 12-8-53 to 3-22-54; 30 learners; all productive factory operations in the power molding, assembly, and polishing departments, 200 hours at 35 cents an hour (plastic optical frames) (supplemental certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 14th day of December 1953.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 53-10654; Filed, Dec. 23, 1953; 8:46 a. m.]

CITRUS FRUIT INDUSTRY IN FLORIDA

NOTICE OF PUBLIC HEARING TO DETERMINE WHETHER INDUSTRY IS OF A SEASONAL NATURE

A petition has been filed by the Florida Council of Citrus Workers Unions, A. F. of L., for revocation of the seasonal industry determinations under section 7 (b) (3) of the Fair Labor Standards Act which apply to the handling, packing, storing, preparing in their raw or natural state, first processing or canning of perishable or seasonal fresh fruits or vegetables (5 F. R. 3167) and to the dehydration of citrus pulp and waste in the States of Florida and Texas (8 F. R. 3811) to the extent that they apply to citrus fruit operations in Florida.

Notice is hereby given pursuant to § 526.6 of the regulations, of a public hearing to be held at the Chamber of Commerce Auditorium, Tampa, Florida, on February 10, 1954, at 10:00 a. m. before an authorized representative of the Administrator, for the purpose of receiving evidence and hearing arguments on the following questions:

1. Whether the handling, packing, storing, preparing in their raw or natural state, first processing or canning of citrus fruit in the State of Florida, or any of these operations separately, constitute a branch or branches of an industry separable from the industry performing such operations on perishable or seasonal fresh fruits or vegetables generally.

2. Whether such citrus operations in Florida, if separable from operations on other fresh fruits and vegetables, constitute a branch or branches of an industry separable from citrus operations in other parts of the United States.

3. Whether operations performed on any particular kind of citrus fruit constitute a branch of an industry separable from operations performed on other kinds.

4. Whether the dehydrating of citrus pulp in the State of Florida is separable from the dehydrating operations in Texas.

5. Whether the handling, packing, storing, preparing in their raw or natural state, first processing or canning of citrus fruit, or any particular kind of citrus fruit, or the dehydration of citrus pulp and waste, or any one or more of these operations in the State of Florida if separable as an industry or as a branch or branches of an industry, are of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended.

Any interested person may appear at the hearing to offer evidence provided that not later than February 3, 1954, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D. C., a notice of intention to appear which should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. Whether he is appearing in support of or in opposition to the application for exemption.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

(52 Stat. 1060, as amended, 29 U. S. C., and Sup., 201 et seq.)

Signed at Washington, D. C., this 21st day of December 1953.

WM. R. MCCOMB,
Administrator
Wage and Hour Division.

[F. R. Doc. 53-10668; Filed, Dec. 23, 1953; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[Notice 1, Amdt.]

ENTRY OF SUGAR INTO THE CONTINENTAL UNITED STATES EX-QUOTA

ENTRY FOR REFINING AND RETURN TO CUSTOMS' CUSTODY

The notice issued on December 2, 1953 (18 F R. 7898) is hereby amended by changing the period at the end thereof to a comma and adding the following: "except that the sugar not returned to Customs' custody may be held in inventory by the processor (principal under the bond) at its refinery or any other location at the close of business on December 31, 1953."

Issued at Washington, D. C., this 18th day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10675; Filed, Dec. 23, 1953; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

KOKUSAI LINE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. Section 814.

(1) Agreement No. 7843-1, between the carriers comprising the Kokusai Line joint service and Waterman Steamship Corporation, modifies transshipment agreement No. 7843 by removing Korea, Manchuria (Manchukuo) Siberia, China, and Kwantung from the geographical scope thereof. Agreement No. 7843 presently covers the trade from Japan, Korea, Formosa, Manchuria (Manchukuo) Siberia, China, Hong Kong, Siam, Indo-China, Hong Kong, Siam, Indo-China, Kwantung, and Philippine Islands to Puerto Rico, with transshipment at U. S. Pacific Coast ports.

(2) Agreement No. 7934 between the American President Lines, Ltd., and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Japan, China (including Hong Kong) Federation of Malaya, Colony of Singapore, and Indonesia to Puerto Rico, with transshipment at New York.

(3) Agreement No. 7943 between Pope & Talbot, Inc., Pacific Argentine Brazil Line, Inc., and Pacific Far East Line, Inc., covers the transportation of cargo under through bills of lading from Puerto Rico to Japan, China, Hong Kong or Philippine Islands, with transshipment at Los Angeles or San Francisco.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 21, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-10695; Filed, Dec. 23, 1953; 8:52 a. m.]

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 15]

CERTAIN NAVAL VESSELS

NAVIGATIONAL LIGHT WAIVERS

Whereas, sections 360 and 143a, Title 33, United States Code, provide that any requirements as to number, position, range of visibility, or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said sections 360 and 143a, Title 33, United States Code, shall not apply to any vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction, it is not possible with respect to such vessels or class of vessels to comply with statutory requirements as to the number, position, range of visibility, or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of certain naval vessels, as hereinafter listed in the attached tabulation which is made a part hereof, has been made in the Navy Department, and, as a result of such study, it has been determined that because of their construction, it is not possible for these naval vessels to comply with the requirements of the statutes enumerated in said sections 360 and 143a, Title 33, United States Code:

Now, therefore, I, Robert B. Anderson, Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that these vessels are naval vessels of special construction and that on such vessels with respect to the position of those certain navigation lights listed, it is not possible to comply with the requirements of the statutes enumerated in sections 360 and 143a, Title 33, United States Code.

Further, I do find and certify that it is feasible to locate the aforesaid navigation lights where listed;

And, further, I direct that the aforesaid lights, if such lights are installed, shall be located in the manner described;

And, further, I certify that such locations constitute compliance as closely with the applicable statutes as I hereby find to be feasible.

I withdraw herewith any previous certifications issued by me prior to the effective date of this certificate.

I do specify that the effective date of this certificate is January 1, 1954.

Dated at Washington, D. C., this 19th day of December A. D. 1953.

R. B. ANDERSON,
Secretary of the Navy.

TABLE 1

Vessel type and class	Approximate height of the forward 20-point white light in feet above the hull	Approximate height of the after 20-point white light in feet above the hull	Approximate vertical separation in feet between the two, 20-point white lights	Approximate horizontal separation in feet between the two, 20-point white lights
ADG-8	40	55	15	20
AG-127	27	47	20	30
AG-128 (EAG-128)	68	100	32	45
AG-151	32	47	15	30
AGB-1, 3, and 4	35	58	15	31
AGS (all)	25	40	15	22
AKS-27	6	40	34	264
AM (185-foot ships)	25	40	15	26
AM (221-foot ships)	25	40	15	23
AM (172-foot ships)	23	48	25	33
AMCU-11 only	19	35	16	11
AMCU-15 (except 24 and 37)	16	31	15	15
AMCU-24 and 37 only	16	31	15	15
AN-78	15	38	19	60
APB-35	20	58	32	48
APB-41-44 only	5	40	35	269
APB-45-50 only	5	56	51	117
APD-37	25	43	18	32
APD-87	27	50	23	32
ARSD-1	10	38	28	192
ARST-1	5	56	51	83
AVM-1	41	70	29	45
BB-43 only	68	117	49	49
BB-45 only	50	69	19	33
BB-55 only	53	77	24	36
BB-57 only	51	79	28	52
CA-68	66	90	24	52
CA-139	50	80	30	68
CL-144	55	77	22	39
DD-421	28	43	15	23
DD-423	28	43	15	30
DD-437	28	43	15	23
DD-448 (high director)	25	40	15	31
DD-448 (low director)	25	40	15	20
DD-692	25	40	15	32
DD-710	25	40	15	32
DDE-445	25	40	15	30
DDE-719, 764 and 825	25	40	15	25
DDR-711	30	45	15	23
DE-99, 129, 152, 198, and 644	22	37	15	32
DE-224, 339, and 535	22	37	15	35
DE-532	20	50	30	65
DE-1006	46	70	24	29
DEC	22	37	15	32
DER	22	37	15	35
DL-1	43	62	19	20
DL-2	40	80	40	46
DM	20	40	20	27
DMS (all)	25	55	30	30
EAG (see AG).				
EDD-828	25	40	15	32
IFS-1	23	38	15	44
LSM (all except 445 and 446)	22	43	21	80
LSM-445 and 446 only	25	43	18	27
LSMR (all)	15	35	20	128
LSSL (all)	9	24	15	38
LST-1, 491, and 542	5	40	35	269
LST-1153	1	52	51	301
LST-1156	1	56	55	301
PC (all)	10	25	15	22
PCC (all)	11	26	15	22
PCE (all)	29	44	15	32
PCEC (all)	29	44	15	36
PCER (all)	29	44	15	36
PGM-31	3	22	19	68
YG-16, 21 and 22	15	28	13	27

NOTE: The two, 20-point white lights listed in above table are located in a line with and over the keel.

TABLE 2

Vessel type and class	Approximate height of the forward 20-point white light in feet above the hull	Approximate height of the after 20-point white light in feet above the hull	Approximate vertical separation in feet between the two, 20-point white lights	Approximate horizontal separation in feet between the two, 20-point white lights	Approximate horizontal distance of the two, 20-point white lights to the left of the keel line in feet when viewed from ahead. (This distance is measured perpendicularly from the keel line to the two white lights)	Approximate vertical distance of the forward anchor lights in feet below the uppermost continuous deck. (Two lights at same level.) These lights are located forward and on either side of the vessel	Approximate vertical distance of the after anchor lights in feet below the uppermost continuous deck. (Two lights at same level.) These lights are located aft and on either side of the vessel
CVA-9	40	58	18	33	39	4	27
CVA-34	48	64	16	30	39	5	27
CVA-41	79	96	17	26	62	4	19
CVE-9	58	73	15	17	43	3	18
CVE-26	58	73	15	17	43	3	18
CVE-55	42	63	21	24	45	4	23
CVE-105	58	73	15	17	43	3	18
CVL-22	41	56	15	15	42	5	24
CVL-29	28	43	15	25	42	3	20
CVL-48	50	65	15	16	42	2	27
CVS	35	65	30	44	43	3	30

TABLE 3

Vessel type and class	Minimum height of the 20-point white light in feet above the hull	Approximate horizontal distance of the 20-point white light to the left of the keel line in feet when viewed from ahead. (This distance is measured perpendicularly from the keel line to the white light)
LCU-501	33	11
LCU-1273	33	11
LCU-1466	35	0

NOTE: One, 20-point white light is carried in the after part of each of the above vessels.

TABLE 4

Vessel type and class	Approximate height of the 20-point white light in feet above the hull (when towing this light is the upper towing light)	Approximate height of the lower towing light in feet above the hull
	Feet	*Feet*
PT-809 only	15	11
PT-810 only	15	11
PT-811 only	11	7
PT-812 only	16	12

NOTE: The above described lights are located in a line with and over the keel.

TABLE 5

Vessel type and class	Approximate height of the forward 20-point white light in feet above the hull	Approximate height of the after 20-point white light in feet above the hull	Approximate vertical separation in feet between the two, 20-point white lights	Approximate horizontal separation in feet between the two, 20 point white lights
CA-122	74	95	21	75
CLAA-53, 54, and 95-98 only	62	78	16	78
CLAA-119-121 only	76	92	16	50

NOTE: (a) The arc of visibility of the after, 20-point white light may be obstructed by as much as one point when viewed from ahead.

(b) The two, 20-point white lights are located in line with and over the keel.

TABLE 6

ALL U. S. SUBMARINES

(a) One, 20-point white light carried in the forward part of the vessel located over the keel and at a height of not less than 15 feet above the hull.

(b) The second, 20-point white light is not installed.

(c) Side lights are visible simultaneously across both bows at close ranges.

(d) Not-under-command lights are not installed.

(e) A 12-point white light showing to the stern is not located at the stern. It is located not less than 30 feet nor more than 60 feet forward of the stern.

(f) The forward anchor light is carried at a height not less than 6 feet above the hull, and the after anchor light is carried at a height of not less than 5 feet lower than the forward anchor light.

[F. R. Doc. 53-10681; Filed, Dec. 23, 1953; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2294]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION TO AMEND APPLICATION FOR CERTIFICATE

Take notice that Algonquin Gas Transmission Company (Applicant) a Delaware corporation, with its principal place of business in Boston, Massachusetts, filed, on December 7, 1953, an application to amend its application for a certificate of public convenience and necessity filed October 26, 1953, in Docket No. G-2294, pursuant to section 7 of the Natural Gas Act.

By the application to amend Applicant proposes to reduce the authorization for construction sought in the original application by one 4" main line tap at the metering station, Stony Point, New York, formerly proposed in the application of Rockland Light and Power Company, Docket No. G-2295. Said application in Docket No. G-2295 having been withdrawn, the 4" main line tap is unnecessary.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10655; Filed, Dec. 23, 1953; 8:46 a. m.]

[Docket No. G-2317]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

DECEMBER 17, 1953.

Take notice that El Paso Natural Gas Company (Applicant) a Delaware corporation having its principal place of business at El Paso, Texas, filed on November 18, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 6.5 miles of 2⅜-inch O. D. pipeline, together with regulating and metering equipment to supply natural gas to Arizona Public Service Company for ultimate distribution in the communities of Wenden and Salome, Arizona.

The total cost of the facilities is estimated to be $56,672, which Applicant proposes to finance out of funds on hand.

The application recites that the third year requirements of the above named communities are: Wenden 5,677 Mcf annually and 45 Mcf on a peak day, and Salome 14,314 Mcf annually and 114 Mcf on a peak day.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10656; Filed, Dec. 23, 1953; 8:46 a. m.]

[Docket No. G-2326]

PENNSYLVANIA GAS CO.

NOTICE OF APPLICATION

DECEMBER 17, 1953.

Take notice that Pennsylvania Gas Company (Applicant) a Pennsylvania Corporation, with its principal place of business in the Borough of Warren, Pennsylvania, filed, on December 7, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) 12.5 miles of 6-inch transmission line from a point on its existing transmission system in Venango Township, Pennsylvania, to a point approximately 4,000 feet west of the western borough limits of the Borough of North East in Erie County, Pennsylvania.

(2) Four new gas engine driven compressor units at 440 H. P. each to replace two 1,200 H. P. steam-driven units at Roystone Compressing Station, Sheffield Township, Warren County, Pennsylvania.

The transmission line is proposed to be used to augment present and supply future demands of Applicant's retail and

wholesale customers as well as to facilitate uninterrupted service during a period of highway construction necessitating removal and relay of Applicant's existing line. The new compressor units are proposed to replace two old steam-driven units outmoded due to age and design.

The estimated over-all cost of the proposed facilities is $545,000 which Applicant proposes to finance with funds available from current operations. Additional financing may be necessary to complete the total 1954 construction program, however, this financing is proposed to be secured through the issuance and sale of common capital stock, or the incurring of long-term funded debt, or both.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of January 1954.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10657; Filed, Dec. 23, 1953; 8:47 a. m.]

[Docket No. G-2267]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

DECEMBER 18, 1953.

Take notice that on October 6, 1953, Transcontinental Gas Pipe Line Corporation (Applicant) a Delaware corporation, having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 2,160 feet of 12-inch natural gas lateral pipeline extending from a point on its Marcus Hook lateral in Pennsylvania to the Delaware-Pennsylvania state line, together with a meter and regulator station at or near the point of interconnection of the proposed 12-inch lateral with Applicant's Marcus Hook lateral. The estimated total over-all capital cost of the facilities herein described is $58,764 which cost will be paid for by the Delaware Power & Light Company (Delaware) Thus no new financing will be necessary for the construction of the proposed facilities by Applicant.

The application recites that Applicant proposes to deliver directly to Delaware the volumes of natural gas requested by the latter as set forth on Schedule M of Exhibit No. 40 RE in Docket No. G-1277 (Reopened), or the volumes of natural gas ultimately allocated to Delaware by the Commission and acceptable to said company for direct deliveries from Applicant. Schedule M of Exhibit 40 RE, sets forth Delaware's estimates of its natural gas requirements in Mcf for the first 5 years of straight natural gas operations as follows:

	Peak day	Annual
First year	13,800	2,549,000
Second year	17,200	2,947,700
Third year	20,600	3,371,600
Fourth year	24,500	3,786,800
Fifth year	28,100	4,201,100

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of January 1954.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10658; Filed, Dec. 23, 1953; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8809, 10788, 10789, 10790]

ST. LOUIS TELECAST, INC. ET AL.

ORDER CONTINUING HEARING

In re applications of St. Louis Telecast, Inc., St. Louis, Missouri, Docket No. 8809, File No. BPCT-294; St. Louis Amusement Company, St. Louis, Missouri, Docket No. 10788, File No. BPCT-745; Columbia Broadcasting System, Inc., St. Louis, Missouri, Docket No. 10789, File No. BPCT-1565; 220 Television, Inc., St. Louis, Missouri, Docket No. 10790, File No. BPCT-1778; for construction permits for new television stations.

On December 3, 1953, St. Louis Telecast, Inc., filed a motion to continue the above proceedings for 30 days from the presently scheduled hearing date, December 31, 1953. On December 9, 1953, Columbia Broadcasting System, Inc., filed an opposition to that motion and on the same date 220 Television, Inc., filed a partial opposition. Oral argument was held on the motion on December 16, 1953, at the conclusion of which all participants agreed to a continuance to January 14, 1954.

Accordingly, it is ordered, This 17th day of December 1953 that hearing in the above-entitled proceeding is continued from December 31, 1953, to January 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10688; Filed, Dec. 23, 1953; 8:51 a. m.]

[Docket Nos. 8945, 10805]

RICHMOND NEWSPAPERS, INC., AND RICHMOND TELEVISION CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Richmond Newspapers, Incorporated, Richmond, Virginia, Docket No. 8945, File No. BPCT-321, Richmond Television Corporation, Richmond, Virginia, Docket No. 10805, File No. BPCT-1622; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of December 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Richmond, Virginia; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m., on the 15th day of January 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set

forth in the application will be effectuated.

Released: December 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10689; Filed, Dec. 23, 1953; 8:51 a. m.]

[Docket Nos. 8954, 9015, 10703, 10794]

WISCONSIN BROADCASTING SYSTEM, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Wisconsin Broadcasting System, Inc., Milwaukee, Wisconsin, Docket No. 8954, File No. BPCT-377; Milwaukee Broadcasting Company, Milwaukee, Wisconsin, Docket No. 9015, File No. BPCT-472; Milwaukee Area Telecasting Corporation, Milwaukee, Wisconsin, Docket No. 10703, File No. BPCT-1578; Kolero Telecasting Corporation, Milwaukee, Wisconsin, Docket No. 10794, File No. BPCT-1796; for television construction permits (Channel 12)

Pursuant to the understanding arrived at, at the Pre-Hearing Conference of December 14, 1953: *It is ordered,* This 14th day of December 1953, that the Hearing Conference under § 1.841, now scheduled for Thursday, December 31, 1953, is continued to Monday, January 4, 1954, beginning at 10:00 a. m., in the offices of the Commission, Washington, D. C., and that the time for the exchange of information under the Commission's "McFarland letter" shall be December 21, 1953, 5:00 p. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10690; Filed, Dec. 23, 1953; 8:52 a. m.]

[Docket Nos. 9030, 10758, 10759]

QUEEN CITY BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Queen Broadcasting Company, Seattle, Washington, Docket No. 9030, File No. BPCT-453; KXA, Inc., Seattle, Washington, Docket No. 10758, File No. BPCT-902; Puget Sound Broadcasting Company Inc., Seattle, Washington, Docket No. 10759, File No. BPCT-1592; for construction permits for new television stations.

On joint petition of all parties to this proceeding filed on December 17, 1953 and with the concurrence of counsel for the Chief of the Broadcast Bureau: *It is ordered,* This 17th day of December 1953 that hearing in the above-entitled proceeding is continued from December 18, 1953, to January 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10691; Filed, Dec. 23, 1953; 8:52 a. m.]

[Docket No. 10450]

FRANKLIN COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In the matter of Leslie P. Ware tr/as Franklin County Broadcasting Company, Washington, Missouri, Docket No. 10450, File No. BP-8241, for construction permit for standard broadcast station.

It appearing that the hearing on the above-entitled application is now scheduled for December 22, 1953; that the application of Belleville Broadcasting Company, Inc., Belleville, Illinois (File No. BP-6480) is mutually exclusive with the above-entitled application of Leslie P Ware, trading as Franklin County Broadcasting Company, Inc., Washington, Missouri; and that a "McFarland letter" to that effect was sent that applicant on December 2, 1953; that in view of the state of the mutually exclusive application of Belleville Broadcasting Company, Inc., it would be impracticable to proceed with the hearing conference on the above-entitled application prior to action by the Commission on the Belleville Broadcasting Company, Inc. application;

Therefore, it is ordered, This 16th day of December 1953, that the hearing on the above-entitled application be continued to 10 o'clock a. m., Thursday, January 21, 1954, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 53-10692; Filed, Dec. 23, 1953; 8:52 a. m.]

SCHEDULED TRANSMISSION AND RECEPTION OF MARINE WEATHER BULLETINS FOR GREAT LAKES REGION

CHANGE IN POLICY

DECEMBER 21, 1953.

The Federal Communications Commission, in coordination with the Department of Transport, Canadian Government, hereby announces a change in policy in reference to the use of certain radio channels for the scheduled transmission of Government weather information to ships navigating the Great Lakes, beginning with the 1954 season of navigation.

Standard operating procedure approved for several years and through the 1953 season of Great Lakes navigation has made use of not less than three separate radiotelephone shore-to-ship channels in the 2500-2600 kc frequency band for the scheduled transmission of Government weather information to all ships on the Great Lakes. Because of the generally expressed need for more radio channel time in this frequency band, as well as others, for commercial ship-shore telephone messages, it has become evident that all practicable measures capable of conserving the use of these radio frequencies should be taken. To this end, the International Joint Conference—1953—of the Dominion Marine Association and the Lake Carriers' Association unanimously adopted on January 22, 1953, a resolution recommending that their respective governments take appropriate coordinated action wherein all Great Lakes scheduled marine weather transmissions from shore stations in the frequency band 2000-3000 kc would, beginning March 15, 1954, be confined to a single radiotelephone channel in this band, namely 2514 kc which has been customarily identified by U. S. stations as "Channel 39" and by Canadian stations as "Range 3" Subsequently, this resolution was concurred in by the International Shipmasters Association (Great Lakes)

In consideration of this resolution and other known factors relative to the need for conservative use of the radio spectrum, the Commission hereby informs all interested persons that, in granting authority for coast stations in the Great Lakes region to transmit by telephony (after March 15, 1954) marine weather information in accordance with an approved schedule, as contemplated by § 7.185 of the Commission's rules, the Commission will expect any person who may request approval of the use of any radio-channel in the 2000-3000 kc band for this purpose, other than the channel utilizing the carrier frequency 2514 kc, to show, before February 15, 1954, why the desired service cannot be effectively provided in this band on the 2514 kc channel only.

The Commission therefore, recommends that shipping interests, station licensees and others concerned take such measures as may be necessary to assure, after March 15, 1954, reception of the desired Great Lakes weather information on the 2514 kc channel in place of any other channel in the band 2000-3000 kc heretofore used for this weather service.

Adopted: December 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10693; Filed, Dec. 23, 1953; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

In the matter of trading on the American Stock Exchange in the $1.00 par value Common Stock of Adolf Gobel, Inc., File No. 1-3237.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolf Gobel, Inc. on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to pre-

vent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on December 21, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10664; Filed, Dec. 23, 1953; 8:48 a. m.]

[File No. 70-3150]

CENTRAL AND SOUTH WEST CORP.

ORDER PERMITTING DECLARATION REGARDING ISSUANCE OF NOTES TO BECOME EFFECTIVE

DECEMBER 18, 1953.

Central and South West Corporation ("Central") a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions, which are summarized as follows:

Pursuant to two loan agreements, the one between Central and The First National Bank of Chicago, Bankers Trust Company, The Chase National Bank of the City of New York, Harris Trust and Savings Bank, and Equitable Security Trust Company, and the other between Central and John Hancock Mutual Life Insurance Company, Central proposes to borrow up to an aggregate amount not exceeding $12,750,000, of which not exceeding $10,000,000 will be borrowed from said banks from time to time, from December 31, 1953, to December 31, 1954, and of which $2,750,000 will be borrowed from said insurance company on December 31, 1953. Each loan will be evidenced by a promissory note or notes of Central maturing December 31, 1955, and bearing interest from the date thereof until maturity at the rate of 3½ percent per annum, payable semiannually June 30 and December 31 of each year, and after maturity at the rate of 6 percent per annum. Under the loan agreements between Central and said banks and said insurance company, each of the notes (but in the case of notes payable to said banks, only those notes outstanding on December 1, 1955) may be renewed by a new note or notes dated December 31, 1955, maturing December 31, 1957, and bearing interest until maturity at an annual rate equal to ½ of 1 percent above the prime rate then in effect at the First National Bank of Chicago, but not less than 3½ percent or more than 3¾ percent per annum, and after maturity at the rate of 6 percent per annum.

Under the loan agreement with said banks, Central may prepay at any time, or from time to time, any of such notes, in whole or in part, without premium, unless prepayment is made from the proceeds of any bank borrowings (other than from said banks) in which event Central shall pay a premium of ½ of 1 percent of the amount of any prepayment made on or prior to December 31, 1956, and of ¼ of 1 percent of any prepayment made thereafter. Said agreement further provides for the payment of a commitment fee computed from December 31, 1953, to December 31, 1954, at the rate of ½ of 1 percent per annum on the daily average unused amount of the commitment of each said bank, Central having the right to terminate on five days written notice the unused amount of the commitment of said banks. Under the loan agreement with the insurance company, Central may prepay, without premium, at any time, or from time to time, the insurance company note, in whole or in part, except where such prepayment is made directly or indirectly from the proceeds of any loan from any bank or insurance company (other than said insurance company) in which event the company shall pay at the same time a premium equal to ½ of 1 percent of the amount of the prepayment made on or prior to December 31, 1956, and equal to ¼ of 1 percent of the amount of the prepayment if made thereafter. Any such "loan" shall not include the purchase of debentures and other securities of Central payable five years or more from the date thereof, or serially during said period. Both loan agreements provide that if a prepayment is made, 78 percent of such prepayment shall be made under the agreement with said banks, and 22 percent under the agreement with said insurance company.

The entire proceeds of the bank loans will be invested by Central in common stock of one or more of its subsidiaries and will be used by such subsidiaries to finance, in part, their immediate construction programs. The note to the insurance company will be delivered in full payment and discharge of the 3 percent notes of Central now outstanding in the aggregate principal amount of $2,750,000 payable to said insurance company which mature January 1, 1954, to July 1, 1959. The declaration states that it is contemplated that the proposed notes will be paid at or before their maturity, or their extended maturity, through the issuance and sale by Central of such securities as may be appropriate and approved by the Commission. By amendment to the declaration, Central agrees that such securities will meet the requirements of section 7 (c) (1) of the act or that it will demonstrate that such securities are for necessary and urgent corporate purposes and that the requirements of section 7 (c) (1) would impose an unreasonable financial burden upon Central and are not necessary or appropriate in the public interest or for the protection of investors or consumers.

Central requests authority to renew on December 31, 1955, the notes to be issued under the bank loan agreement and the note to be issued under the insurance company agreement by the issuance of the renewal notes described above. The declaration as amended states that should the Commission prefer to withhold action at this time with respect to the renewal notes, Central requests the Commission to retain jurisdiction with respect thereto.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses are estimated at $4,500, including legal fees not to exceed $1,500 to be paid to counsel for the insurance company.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commisison; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permited to become effective forthwith, except that, jurisdiction should be reserved over the renewal of the notes maturing December 31, 1955, as alternatively proposed in the declaration as amended:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the reservation of jurisdiction hereinafter set forth; and

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the renewal of the notes maturing December 31, 1955, as alternatively proposed in the declaration as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10660; Filed, Dec. 27, 1953; 8:47 a. m.]

[File No. 70-3154]

CENTRAL AND SOUTH WEST CORP. ET AL.

ORDER REGARDING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

DECEMBER 18, 1953.

In the matter of Central and South West Corporation, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Gas and Electric Company; File No. 70-3154.

Central and South West Corporation ("Central") a registered holding company, and its public-utility subsidiaries, Central Power and Light Company ("Power and Light") Public Service Company of Oklahoma ("Public Service") and Southwestern Gas and Electric Company ("Southwestern") all of whose common stocks are owned by Central, having filed a joint application-declaration pursuant to sections 6 (a) 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 of the rules and regulations promulgated thereunder with this Commission with respect to proposed transactions which are summarized as follows:

A. Power and Light proposes:

(1) By amendment to its Articles of Incorporation to increase the number of authorized shares of its common stock ($10 par value) from 2,397,300 shares to 2,697,300 shares.

(2) On or about January 4, 1954, to issue, sell and deliver 300,000 shares of its common stock ($10 par value) to Central for the sum of $3,000,000, payable in cash upon delivery of the shares.

B. Public Service proposes:

(1) On or before December 31, 1953, to issue and deliver 300,000 additional shares of its common stock ($10 par value) to Central and to transfer on its books from "Earned Surplus" to "Stated Capital" in respect of its common stock, the sum of $10 for each of said additional shares, or a total of $3,000,000.

(2) On or before December 31, 1953, to issue, sell and deliver 300,000 shares of its common stock ($10 par value) to Central for the sum of $3,000,000, payable in cash upon delivery of the shares.

C. Southwestern proposes:

(1) On or before December 31, 1953, to issue, sell and deliver 100,000 shares of its common stock ($10 par value) to Central for the sum of $1,000,000, payable in cash upon delivery of the shares.

D. Central proposes:

(1) To purchase and pay for in cash, at par, the 300,000 shares of common stock of Power and Light on the terms stated in paragraph A (2)

(2) To acquire the 300,000 shares of common stock of Public Service to be issued as stated in paragraph B (1)

(3) To purchase and pay for in cash, at par, the 300,000 shares of common stock of Public Service on the terms stated in paragraph B (2) above.

(4) To purchase and pay for in cash, at par, the 100,000 shares of common stock of Southwestern on the terms stated in paragraph C (1) above.

The joint application-declaration recites that the proposed issue and sale of the additional common shares by Power and Light, Public Service and Southwestern to Ceneral is necessary to finance, in part, the construction programs of the respective companies. The purchase of the shares by Central will be made out of funds received from the sale of 606,084 shares of its common stock as authorized by this Commission (File No. 70-3004)

The joint application-declaration states that no Federal or State commission, other than this Commission and the Corporation Commission of the State of Oklahoma, has jurisdiction over any of the proposed transactions. The Corporation Commission of the State of Oklahoma has authorized the actions proposed to be taken by Public Service. The filing indicates that no attorneys' fees are to be paid and that other fees and expenses are estimated at $28,000, which include Federal Stamp Taxes of $11,000 and state taxes and fees and miscellaneous expenses of $17,000.

Due notice having been given of the filing of the joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10663; Filed, Dec. 23, 1953; 8:48 a. m.]

[File No. 70-3159]

DUVAL SULPHUR & POTASH CO. AND UNITED GAS CORP.

ORDER REGARDING ISSUANCE OF COMMON STOCK DIVIDEND BY SUBSIDIARY AND ACQUISITION OF ITS PRO-RATA SHARES BY PARENT COMPANY

DECEMBER 18, 1953.

Duval Sulphur & Potash Company ("Duval") a non-utility subsidiary of United Gas Corporation ("United") which in turn is a public-utility subsidiary of Electric Bond and Share Company, a registered holding company, and United having filed a joint application with this Commission pursuant to sections 6 (b) 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to proposed transactions, which are summarized as follows:

The authorized Capital Stock of Duval consists of 1,000,000 shares, no par value, of which 875,000 shares are issued and outstanding. United owns 653,724 shares (74.71 percent) of Duval's outstanding Capital Stock, the balance thereof being held by the public generally. In addition to its regular cash dividend, Duval proposes the payment of a stock dividend to the holders of its Capital Stock. On November 19, 1953, the Board of Directors of Duval, subject to obtaining appropriate authorization under the Act, declared a dividend on Duval's Capital Stock, no par value, at the rate of one share of Duval's Capital Stock for each seven shares of such stock held. The record date and payment date for such dividend are December 10, 1953, and December 31, 1953, respectively. No fractional shares of Capital Stock will be issued. Dividend Scrip Certificates representing fractional shares of Capital Stock of Duval will be delivered which may be combined with other Dividend Scrip Certificates representing in the aggregate one or more full shares of Capital Stock of Duval and may be exchanged for such share or shares during a period which expires on December 31, 1954.

Prior to the close of business on December 31, 1954, Manufacturers Trust Company, 45 Beaver Street, New York 15, New York, Transfer and Dividend Disbursing Agent for Duval, will act as the agent of holders of Dividend Scrip Certificates who may desire (a) to purchase additional Dividend Scrip Certificates so that their holdings will aggregate one full share of Capital Stock of Duval, or (b) to sell their Dividend Scrip Certificates. Such purchases and sales will be based on market prices for full shares on the American Stock Exchange. Dividend Scrip Certificate holders will not be charged for such services. As soon as practicable after December 31, 1954, all shares of Capital Stock represented by Dividend Scrip Certificates then outstanding will be sold, and holders of Dividend Scrip Certificates will, until December 31, 1955, be entitled to surrender said certificates for their pro rata share of the cash net proceeds of such sale. After December 31, 1955, Dividend Scrip Certificates will be void.

Dividend Scrip Certificates do not confer upon the holder any voting or other rights of a stockholder, nor shall any of the shares of Capital Stock represented by Dividend Scrip Certificates be voted.

In connection with the payment of the stock dividend, the Board of Directors fixed the amount to be transferred from "Earned Surplus" (which at September 30, 1953, was $7,116,422.59) to "Capital Stock" on Duval's books at $26.75 for each share of additional Capital Stock to be issued (being the closing price on November 18, 1953, for Duval's Capital Stock on the American Stock Exchange, to which such stock is admitted to unlisted trading privileges) or a total of $3,343,750 for the entire 125,000 shares to be issued.

In connection with the transactions proposed, United will be entitled to receive 93,389 shares and a Dividend Scrip Certificate entitling it to receive one-seventh of a share of Duval's Capital Stock. United's investment in Duval is carried on its books at $4,679,352. Upon consummation, the transaction will be reflected by an increase in the number of shares of Capital Stock of Duval owned by United from 653,724 shares to 747,113 shares with no change in the dollar investment, except to the extent that the dollar investment would be increased by the cost of United's exercise of its privilege to purchase additional Dividend Scrip Certificates sufficient to aggregate one full share of the Capital Stock of Duval.

Applicants estimate that fees and expenses incurred in connection with the proposed transactions will amount to

$7,575, including $2,175 fees and expenses of Manufacturers Trust Company as agent in behalf of holders of Dividend Scrip Certificates. Applicants state that legal services in respect of the proposed transactions are covered by annual retainer of Duval's counsel.

Due notice having been given of the filing of the application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted effective forthwith without the imposition of terms and conditions, other than those contained in Rule U-24.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted, to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-10662; Filed, Dec. 23, 1953; 8:48 a. m.]

[File No. 812-860]

E. I. DU PONT DE NEMOURS AND CO.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

DECEMBER 18, 1953.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Du Pont") Wilmington, Delaware, which is controlled by Christiana Securities Corporation, a registered closed-end, non-diversified investment company, which in turn is controlled by Delaware Realty and Investment Company, also a registered closed-end, non-diversified investment company, has filed an application, and an amendment thereto, pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the prohibitions contained in section 17 (a) of the act the transaction described below whereby Du Pont proposes to purchase from Imperial Chemical Industries Limited ("ICI"), a corporation of the United Kingdom, 28,735 shares of the common stock of Canadian Industries Limited ("CIL") a Canadian company. The amendment to the application states that ICI proposes to transfer the 28,735 shares of CIL stock to a newly organized wholly owned subsidiary, Imperial Chemical Industries of Canada, Limited, just prior to the sale of the stock to Du Pont.

CIL is primarily a chemical manufacturing concern, producing in Canada such products as agricultural and industrial chemicals, ammunition, cellophane, explosives, "Fabrikoid," nylon, paint, varnish, and polythene. It also resells in Canada various chemical and related products of Du Pont, ICI and other companies. CIL has 7,059,081 shares of common stock outstanding, of which 2,981,390 shares or 42.24 percent are owned by ICI, 2,923,920 shares or 41.42 percent are owned by Du Pont, with the balance of 1,153,771 shares or 16.34 percent being publicly owned. The purchase of the CIL stock by Du Pont from ICI, which would result in Du Pont and ICI each owning the same number of shares of CIL, is proposed as a preliminary step in an over-all plan for compliance with a judgment of the United States District Court for the Southern District of New York entered on July 30, 1952, in United States of America v. Imperial Chemical Industries Limited, E. I. du Pont de Nemours and Company et al. (Civil Action 24-13) directing that Du Pont and ICI terminate their joint interests in CIL and other jointly-owned companies. The judgment requires that such termination be by sale of the shares of the jointly-owned companies by one or both of the above-named parties or by segregation or physical division of the plants and properties of said jointly-owned companies. It is stated that in the course of developing such a plan Canadian legal counsel advised that presentation thereof to shareholders under Canadian corporation law would be greatly simplified and its execution would be facilitated if ICI and Du Pont each owned the same number of shares of CIL.

Du Pont proposes to pay ICI in Canadian dollars $833,315 ($29 per share) for the 28,735 shares of CIL stock. ICI would be entitled to receive the 1953 year-end dividend on the said shares usually declared in December and paid in January. The common stock of CIL is admitted to unlisted trading on the Canadian and Toronto Stock Exchanges. The price of the stock on the Canadian Stock Exchange has ranged during 1953 from a low of 32 in September to a high of 42 in February. At the time the transaction was entered into the CIL stock was selling at 32. The closing price of the stock on December 9, 1953, was 37½.

The application states that price of $29 per share offered by Du Pont and accepted by ICI took into account (1) the large block of stock involved in relation to the small number of shares traded daily on the Canadian exchange, (2) a fair estimate of the earning power of CIL for this purpose of $1.75 per share and (3) a price earnings ratio of 16-17 times the estimated earnings of $1.75 per share. For the four years 1950 through 1953 (including an estimate for the year 1953) earnings have averaged $1.65 per share, and during the same period dividends paid per annum have amounted to $1.00 per share.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, including an affiliate of such a person, from selling any security or other property to such registered company or to any company controlled by such registered company, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a) of the act and finds that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than December 30, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-10661; Filed, Dec. 23, 1953; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28702]

CRUDE SULPHUR FROM TEXAS AND LOUISIANA TO VIRGINIA

APPLICATION FOR RELIEF

DECEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphur (brimstone) crude, carloads.

From: Points in Texas and Louisiana.

To: Bellwood, Norfolk, Hopewell and Richmond, Va., and other Virginia points.

Grounds for relief: Rail competition, circuity, and competition with water carriers.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 3862, supp. 203.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an

emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-10676; Filed, Dec. 23, 1953; 8:49 a. m.]

[4th Sec. Application 28763]

GRAIN, GRAIN PRODUCTS AND CEREAL FOOD PREPARATIONS FROM CINCINNATI, OHIO AND LOUISVILLE, KY. TO TENNESSEE AND MISSISSIPPI

APPLICATION FOR RELIEF

DECEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company for itself and on behalf of the Cincinnati, New Orleans & Texas Pacific Railway Company.

Commodities involved: Grain and grain products, and cereal food preparations, carloads.

From: Cincinnati, Ohio and Louisville, Ky.

To: Memphis, Tenn., and other points in Tennessee and to Corinth, Miss.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1353, supp. 19; C. A. Spaninger, Agent, I. C. C. No. 1062, supp. 125.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-10677; Filed, Dec. 23, 1953; 8:49 a. m.]